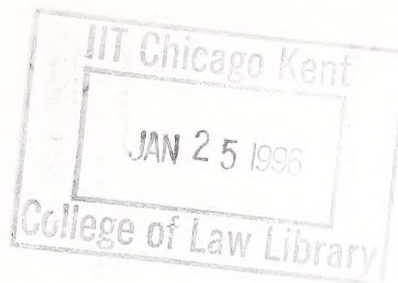


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1996

Illinois Register

Rules of Governmental Agencies

Volume 20, Issue 03— January 19, 1996

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April 19, 1996 - Issue 16: Through	March 31, 1996
July 19, 1996 - Issue 29: Through	June 30, 1996
October 18, 1996 - Issue 42: Through	September 30, 1996
January 17, 1997 - Issue 3: Through	December 31, 1996 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1996

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996	June 25, 1996	July 2, 1996	28	July 12, 1996
Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996	July 2, 1996	July 9, 1996	29	July 19, 1996
Jan. 2, 1996	Jan. 9, 1996	3	Jan. 19, 1996	July 9, 1996	July 16, 1996	30	July 26, 1996
Jan. 9, 1996	Jan. 16, 1996	4	Jan. 26, 1996	July 16, 1996	July 23, 1996	31	Aug. 2, 1996
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Jan. 30, 1996	Feb. 6, 1996	7	Feb. 16, 1996	Aug. 6, 1996	Aug. 13, 1996	34	Aug. 23, 1996
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Feb. 13, 1996	Feb. 20, 1996	9	Mar. 1, 1996	Aug. 20, 1996	Aug. 27, 1996	36	Sept. 6, 1996
Feb. 20, 1996	Feb. 27, 1996	10	Mar. 8, 1996	Aug. 27, 1996	Sept. 3, 1996	37	Sept. 13, 1996
Feb. 27, 1996	Mar. 5, 1996	11	Mar. 15, 1996	Sept. 3, 1996	Sept. 10, 1996	38	Sept. 20, 1996
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Mar. 12, 1996	Mar. 19, 1996	13	Mar. 29, 1996	Sept. 17, 1996	Sept. 24, 1996	40	Oct. 4, 1996
Mar. 19, 1996	Mar. 26, 1996	14	Apr. 5, 1996	Sept. 24, 1996	Oct. 1, 1996	41	Oct. 11, 1996
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Apr. 23, 1996	Apr. 30, 1996	19	May 10, 1996	Oct. 29, 1996	Nov. 4, 1996 (Mon.)	46	Nov. 15, 1996
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May 7, 1996	May 14, 1996	21	May 24, 1996	Nov. 12, 1996	Nov. 19, 1996	48	Dec. 2, 1996 (Mon.)
May 14, 1996	May 21, 1996	22	May 31, 1996	Nov. 19, 1996	Nov. 26, 1996	49	Dec. 6, 1996
May 21, 1996	May 28, 1996	23	June 7, 1996	Nov. 26, 1996	Dec. 3, 1996	50	Dec. 13, 1996
May 28, 1996	June 4, 1996	24	June 14, 1996	Dec. 3, 1996	Dec. 10, 1996	51	Dec. 20, 1996
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June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Travel Regulation Council

2) Code Citation: 80 Ill. Adm. Code 3000

3) Section number: Proposed Action:

3000.100 Amend
3000.140 Amend
3000.210 Amend
3000.230 Amend
3000.300 Amend

4) Statutory Authority: Implementing and authorized by Sections 12, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12, 12-2 and 12-3].

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will allow the State to defer any mileage reimbursement rate change to the beginning of the next fiscal year. Previously, the State was required to change the mileage rate in accordance with the rate set by the Federal Government. This new language will allow agencies time to prepare and budget for mileage rate changes. This amendment also changes the requirements for reporting individuals whose official headquarters have been designated at a location other than that at which their official duties require them to spend the largest part of their working time. In addition, Sections 3000.100, 3000.140 and 3000.230 are being amended to reflect the new State Finance Act and/or State Auditing Act authority citations.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217) 782-9669

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

3000.610 Expenses Related to Transportation
3000.620 Receipts Required
3000.630 Meals for Other Persons

SUBPART G: EXCEPTIONS

Section
3000.700 Exceptions to the Rules
3000.710 Board-Agency Rules
3000.720 Non-Required Travel

APPENDIX A Reimbursement Schedule

AUTHORITY: Implementing and authorized by Sections 12, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12, 12-2 and 12-3].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12697, effective July 2, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 18188, effective January 1, 1987; peremptory amendment at 11 Ill. Reg. 14854, effective August 25, 1987; amended at 12 Ill. Reg. 11626, effective July 1, 1988; amended at 14 Ill. Reg. 10014, effective July 1, 1990; amended at 19 Ill. Reg. 7852, effective July 1, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 3000.100 Authority

This Part is promulgated under the authority vested in the Travel Regulation Council by the State Finance Act [30 ILCS 105/12-1]. Section 12-2 of "AN ACT RELATION-TO-STATE-FINANCE" (111-Rev-Stat-1985, ch-127, par-148-27).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 3000.140 Definitions

Agency: Any department, board, commission, committee, authority, or institution as defined in the Illinois State Auditing Act [30 ILCS 5/1-7]. (111-Rev-Stat-1985, ch-157, par-381-7)

Agency Head: The chief executive officer of an agency or a designated representative. Representatives must be authorized by the Agency Head and must be on file with the Office of the Comptroller. Filing of the Signature Authorization Card (SCO-95) shall constitute authorization.

Commuting Expense: The cost of one round trip between residence and headquarters, regardless of mode of transportation on any given day.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER IV: TRAVEL REGULATION COUNCIL

PART 3000

THE TRAVEL REGULATION COUNCIL

SUBPART A: GENERAL

Section
3000.100 Authority
3000.110 Philosophy
3000.120 Policy
3000.130 Scope and Interpretation
3000.140 Definitions

SUBPART B: TRAVEL CONTROL SYSTEM

Section
3000.200 Travel Control System
3000.210 Designation of Headquarters
3000.220 Expenses at Headquarters or Residence
3000.230 Preparation and Submission of Vouchers or Travel Expenses

SUBPART C: TRANSPORTATION

Section
3000.300 Modes of Transportation
3000.310 Routing

SUBPART D: LODGING

Section
3000.400 Lodging Allowances
3000.410 Least Costly Lodging
3000.420 Conference Lodging
3000.430 Employee Owned or Controlled Housing

SUBPART E: PER DIEM-MEALS

Section
3000.500 Per Diem Allowance
3000.510 Meal Allowance

SUBPART F: MISCELLANEOUS RULES

Section
3000.600 Reimbursable and Non-Reimbursable Expenses

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Headquarters: The post of duty or station at which official duties require the employee to spend the largest part of working time. Headquarters shall ordinarily be the corporate city limits in which the employee is stationed or may be a designated geographical area. Headquarters shall be designated by the Agency Head in accordance with policies established by the appropriate Travel Control Board.

Travel Control Board: Those Boards created by the State Finance Act [30 ILCS 105/12-11]. Section--148-i--of--AN-ACF-in-relation-to-State finance--(fif--Rev--Stat--1985--ch--127--par--148-i)--

Travel Regulation Council: The Travel Regulation Council (TRC or the Council) shall consist of the Chairmen or designee of each of the statutorily created Travel Control Boards.

Travel Status: An employee shall be considered "on travel status" while away from headquarters on authorized state business. Travel status shall begin when an employee leaves headquarters or, if reporting directly to destination, from residence or other location. Travel status shall conclude when an employee returns to headquarters or, if reporting directly from original destination, to residence or other location at the completion of authorized State business.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART B TRAVEL CONTROL SYSTEM

Section 3000.210 Designation of Headquarters

- a) Section 12-3 of the State Finance Act, [30 ILCS 105/12-3], Section 148-j-of--AN-ACF-in-relation-to-State finance--(fif--Rev--Stat--1985--ch--127--par--148-j)-- requires that Form TA-2 be completed and filed with the Legislative Audit Commission by the first working day of June and December each year for any individual whose headquarters has been designated as a location other than that at which official duties require the largest part of working time. The reports shall be filed no later than July 15 for the period from January 1 through June 30 of that year and no later than January 15 for the period July 1 through December 31 of the preceding year. If an agency has more than one facility or institution, the report shall indicate on its face to which facility or institution the data pertain.
- b) Agencies with no officers or employees in this status will file negative reports.
- c) The Travel Control Boards shall prescribe procedures for headquarters designation for Agency Heads under their respective jurisdictions.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 3000.230 Preparation and Submission of Vouchers or Travel Expenses

The Travel Control Boards shall prescribe procedures for the preparation and submission of vouchers for travel expenses for agencies under their respective jurisdictions to comply with the Comptroller's Uniform Statewide Accounting System and shall include the certification required by Section 12 of the State Finance Act [30 ILCS 105/12]. Section--12--of--AN-ACF-in-relation-to-State finance--effective-July-17-1919-as-amended--(fif--Rev--Stat--1985--ch--127--par--148-i)--

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART C: TRANSPORTATION

Section 3000.300 Modes of Transportation

- a) All travel shall be by the most economical mode of transportation available considering travel time, costs, and work requirements. Modes of transportation authorized for official travel include automobiles, railroads, airlines, buses, taxicabs, and other usual means of conveyance.
- b) State vehicles may be used when most economical. When applicable, Vehicle Rules (44 Ill. Adm. Code 5040) issued by the Department of Central Management Services shall govern use of State-owned vehicles. Agency rules further defining use of vehicles may also apply. Specific instructions covering service and repairs of these vehicles are to be found in the glove compartment of each vehicle.
- c) Arrangements on airplanes, trains, or boats shall be the least costly reasonably available alternative.
- d) Chartered aircraft, boats, trains, buses, or other such conveyance, shall be used only as a last resort or if proven to be most economical for the circumstances. A full explanation for the use of such transportation must accompany the voucher.
- e) The rental of an automobile while on travel status is allowed, if circumstances require. The most economical vehicle available that is suitable for the State's business shall be obtained. The collision damage waiver and personal accident insurance on rented vehicles are not reimbursable.
- f) Privately owned vehicles may be used when authorized by appropriate agency personnel.
- 1) Employees using private vehicles on State business must have insurance coverage in an amount not less than that required by Section 10-101(b) of the Illinois Vehicle Code [625 ILCS 5/10-101(b)] Section--10--101(b)--of--the--Illinois-Vehicle-Code--(fif--Rev--Stat--1997--ch--95--127--par--10-101(b)). Prior to such

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

authorization the Agency Head shall require employees to file a statement certifying that they are duly licensed and carry at least the minimum insurance coverage or shall require such certification to be noted on the travel voucher.

- 2) Reimbursement for use of a private vehicle shall be on a mileage basis and shall be in accordance with the rate promulgated pursuant to 5 U.S.C. 5707(b)(2) and is shown in Appendix A, Reimbursement Schedule. However, in the event the rate set under federal regulations changes during the course of the State's fiscal year, the effective date of the new rate shall be the July 1 immediately following the change in the federal rate.

- g) Agency Heads may authorize the use of privately owned aircraft on State business. The employee shall be duly licensed by the appropriate licensing body for the particular aircraft to be flown, carry insurance in at least the amount of \$500,000 combined single limit, and shall certify this to the Agency Head. Such certification shall be available for review and shall also be noted on the travel voucher.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Travel
- 2) Code Citation: 80 Ill. Adm. Code 2800
- 3) Section Number:
2800.700 Amend
2800.710 Amend
- 4) Statutory Authority: Implementing and authorized by Sections 12, 12-1, 12-2, and 12-3 of the State Finance Act (30 ILCS 105/12, 12-1, 12-2 and 12-3) and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000).
- 5) A Complete Description of the Subjects and Issues Involved: These Sections require that exceptions to the travel rules be approved by the Director of the Department of Central Management Services (CMS). The statute does not require the Director of CMS to be the Chairman of the Governor's Travel Control Board. Historically, it always has been, so there has never been a conflict. However, to be consistent with the law, references to the Director of CMS should be changed to Chairman of the Governor's Travel Control Board.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:
- Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217) 782-9669
- 12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 1995

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE I: GENERAL TRAVEL CONTROL

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/
GOVERNOR'S TRAVEL CONTROL BOARD

PART 2800
TRAVEL

SUBPART A: GENERAL

Section	
2800.100	Definitions
2800.110	Application and Interpretation

SUBPART B: TRAVEL CONTROL SYSTEM

Section	
2800.200	Travel Control System
2800.210	Travel Coordinator
2800.220	Travel Authority
2800.230	Government Charge Cards
2800.235	Expenses at Headquarters or Residence
2800.240	Preparation and Submission of Travel Vouchers
2800.250	Approval and Submission of Travel Vouchers
2800.260	Items Directly Billed
2800.270	Conference Registration Fees

SUBPART C: TRANSPORTATION EXPENSES

Section	
2800.300	Incidental Expenses for Private and State Owned Automobiles

SUBPART D: LODGING

Section	
2800.400	Conference Lodging
2800.410	Employee Owned or Controlled Housing

SUBPART E: PER DIEM MEALS

Section	
2800.500	Conference Meals

SUBPART F: MISCELLANEOUS RULES

Section	
2800.600	Lack of Receipts
2800.650	Headquarter Designation for Agency Heads

Ill. School Library

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

verify that the least costly reasonable means of travel was selected and must personally sign the request. Unless the travel is patently nonessential or clearly excessive as to cost, approval will be given.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 2800.710 Ex Post Facto Exceptions

- a) Exceptions to the operation of specific provisions of this Part may be granted after the fact by the Chairman of the Governor's Travel Control Board ~~Director--of--the--Department--of--Central--Management Services~~ when necessary to meet special or unavoidable circumstances and when in the best interests of the State. Exceptions are to be requested in writing by the Agency Head. The affected employee may request an exception if the Agency Head will not do so. The request must state in detail the nature of the request, the reasons for non-compliance, and why the request should be granted.
- b) In all cases of requests for approval for payment of hotel rates which exceed the maximum rates permitted, a diligent effort must have been made to obtain lodging in a hotel honoring the State rate. A reasonable number of hotels must be contacted. Contacting three or four additional hotels in an urban area will be considered reasonable. This is not required in the case of an individual who attends a conference and stays at or near the hotel where the conference is held as provided for in Section 2800.440.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART G: EXCEPTIONS TO THE RULES

Section 2800.700 Special Exceptions-Requested in Advance
2800.710 Ex Post Facto Exceptions

Appendix A Reimbursement Schedule

AUTHORITY: Implementing and authorized by Sections 12, 12-1, 12-2, and 12-3 of the State Finance Act [30 ILCS 105/12, 12-1, 12-2 and 12-3] and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000).

SOURCE: Amended March 11, 1976; amended at 2 Ill. Reg. 30, p. 215, effective August 1, 1978; new rules adopted at 4 Ill. Reg. 28, p. 155, effective July 1, 1980; old rules repealed at 4 Ill. Reg. 30, p. 1224, July 1, 1980; amended at 5 Ill. Reg. 150, effective January 1, 1981; amended at 6 Ill. Reg. 6682, effective July 1, 1982; amended at 7 Ill. Reg. 9205, effective August 1, 1983; amended at 8 Ill. Reg. 127, 130, effective January 1, 1984; amended at 8 Ill. Reg. 14243, effective August 1, 1984; codified at 8 Ill. Reg. 19350; amended at 10 Ill. Reg. 18014, effective October 6, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 738, effective January 15, 1988; emergency amendment at 15 Ill. Reg. 13196, effective September 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17981, effective November 27, 1991; amended at 16 Ill. Reg. 4831, effective March 12, 1992; amended at 16 Ill. Reg. 13823, effective September 1, 1992; amended at 19 Ill. Reg. 36, effective January 1, 1995; amended at 19 Ill. Reg. 7858, effective July 1, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART G: EXCEPTIONS TO THE RULES

Section 2800.700 Special Exceptions - Requested In Advance

- a) Exceptions to the operation of specific provisions of this Part may be granted in advance by the Chairman of the Governor's Travel Control Board ~~Director--of--the--Department--of--Central--Management--Services~~ when necessary to meet special or unavoidable circumstances and when in the best interest of the State. Exceptions are to be requested in writing by the Agency Head and submitted sufficiently in advance to allow meaningful consideration. These exceptions are granted to specific individuals or specified groups of individuals in a single agency.
- b) Travel outside the contiguous United States requires the approval of the Chairman of the Governor's Travel Control Board ~~Director--of--the--Department--of--Central--Management--Services~~ prior to such travel. All requests shall be submitted at least 30 days in advance of the departure date. Requests shall be in writing with approval/disapproval based on necessity. To show necessity, the Agency Head must describe how the travel relates to a function of the agency, must state why the particular individuals were selected, must

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: State Administration of the Federal Community Development Block Grant Program for Small Cities

2) Code Citation: 47 Ill. Adm. Code 110

3) Section Numbers: Proposed Action:

110.50 Amendment
110.94 New Section
110.95 New Section
110.100 Repealed
110.101 New Section
110.102 New Section
110.103 New Section
110.104 New Section
110.105 Repealed
110.110 Amendment

4) Statutory Authority: Implementing Title I of the Housing and Community Development Act of 1974 (42 U.S.C.A. 5301) and Section 46.37 of the Civil Administrative Code of Illinois [20 ILCS 605/46.37]; and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.42].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises the program rules for the Community Development Assistance Program.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any proposed amendments contain incorporations by reference? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the *Illinois Register* to the following:

Department of Commerce and Community Affairs
Bureau of Community Development

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620 East Adams Street, 5th Floor
Springfield, IL 62701
(217) 785-6174 or (217) 785-6055

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses and small municipalities affected: Small business and small municipalities are encouraged to apply for Community Development Assistance Program funds. These amendments will not materially affect their ability to access these funds.

B) Reporting, bookkeeping or other procedures required for compliance: These amendments do not affect the existing reporting, bookkeeping and other procedures necessary for compliance.

C) Types of professional skills necessary for compliance: Applicants would already possess the necessary skills for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments begins on the next page:

Ill. Chicago Kent

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 110

STATE ADMINISTRATION OF THE FEDERAL COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR SMALL CITIES

SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

Section

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110.50	Eligible Applicants
110.60	Eligible/Ineligible Projects and Activities
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110.92	Competitive Public Facilities Component
110.93	Competitive Housing Rehabilitation Component
110.94	Competitive Planning Assistance Component
110.95	Competitive Removal of Architectural Barriers Component
110.100	Application Evaluation for Competitive Public Facilities and Competitive Housing Rehabilitation Components (Repealed)
110.101	Application Evaluation for Competitive Planning Assistance Component
110.102	Barriers Component
110.103	Application Evaluation for Competitive Public Facilities Construction and Design Engineering Component
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SUBPART B: REVOLVING LOAN FUNDS

Section

110.210	Purpose
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110.230	Recapture Strategy Requirements
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110.270	Administrative Costs
110.280	RLF Fundability Analysis
110.290	RLF Loan Closings
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110.320	RLF Loan Monitoring
110.330	Recordkeeping and Reporting
110.340	Department Monitoring
110.350	Evaluation of Performance
110.360	Program Income Subject to the Act

AUTHORITY: Implementing Section 46.37 and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.37 and 46.42].

SOURCE: Adopted and codified at 7 Ill. Reg. 2972, effective March 9, 1983; amended at 7 Ill. Reg. 7898, effective June 21, 1983; amended at 8 Ill. Reg. 16250, effective August 29, 1984; amended at 9 Ill. Reg. 7117, effective May 9, 1985; amended at 9 Ill. Reg. 10702, effective June 28, 1985; amended at 10 Ill. Reg. 10093, effective May 28, 1986; amended at 12 Ill. Reg. 2254, effective January 19, 1988; amended at 15 Ill. Reg. 4410, effective March 11, 1991; amended at 16 Ill. Reg. 20106, effective December 14, 1992; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

Section 110.50 Eligible Applicants

- a) Only units of local government may apply for funding. Municipalities must be less than 50,000 in population. Counties and townships that are not participating in the Urban County Entitlement Program of the U.S. Department of Housing and Urban Development are also eligible to apply for block grant funds.
- b) Because of eligibility requirements and administrative capacity, certain unincorporated areas and special districts may not qualify for participation by themselves. In such instances, general purpose units of local government counties will be allowed to submit applications on behalf of otherwise ineligible special districts and unincorporated areas provided the unit of general local government determines that the activity is meeting its needs in accordance with Section (d)(2)(D) of the Housing and Community Development Act of 1974, as amended.
- c) In situations where 2 or more eligible local governments face a common problem, a joint application may be submitted under the following conditions:
 - 1) the solution of the problem requires mutual action and is not intended for administrative convenience; and
 - 2) the eligible local governments involved have contacted the Department of Commerce and Community Affairs for prior approval of such an arrangement before actual application submission.

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- d) An "on behalf of" or joint application may not be filed for an entitlement city or a city located in an entitlement county.
- e) In the event that either an "on behalf of" or joint application will be filed, the local governments involved must submit an executed cooperation agreement with its application for funds that define grantee responsibilities, should the application be successful.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.94 Competitive Planning Assistance Component

The competitive planning assistance component is designed to fund planning-type projects which are construction-oriented. Projects must assist primarily persons of low- to moderate-income, or persons who are members of eligible "limited clientele" groups. Applications are due on an annual basis.

- a) **Project Eligibility Criteria** - For a project to be eligible for funding under this component, applicants must document the following:

- 1) The project will benefit a minimum of 51 percent of low- to moderate-income persons (as defined in Section 110.30) or will benefit an eligible group of the population under a limited clientele activity (as defined in Section 110.30).
- 2) The planning activity will address an existing construction-oriented problem within the community.
- 3) The proposed project can be accomplished in a reasonable timeframe and consideration has been given to what resources are necessary to complete the project.

- b) **Application Review and Approval**

- 1) Applications will be accepted once a year on a due date established at the beginning of the program pursuant to Section 110.101 of this Part.
- 2) Applications will be prepared and submitted to the Department as specified in Section 110.70 of this Part.
- 3) Applications will be reviewed in accordance with Section 110.101 of this Part.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 110.95 Competitive Removal of Architectural Barriers Component

The competitive removal of architectural barriers component is designed to assist communities in undertaking projects to remove physical barriers that restrict the mobility and accessibility of elderly and disabled persons. Applications are due on an annual basis.

- a) **Project Eligibility Criteria** - For a project to be eligible for funding under this component, applicants must document the following:

- 1) The applicant has completed a self-evaluation/transition plan (as

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defined in Section 110.30) and the request for funds is based upon the results of that plan.

- 2) The community has made local efforts and contributions towards removing barriers to services and it would be a severe financial burden if they were not assisted with CDAP funds.
- 3) The community has considered all alternatives, including non-structural solutions, and has prioritized items based upon need and impact.
- 4) The proposed project can be accomplished in a reasonable timeframe and consideration has been given to what resources are necessary to complete the project.

- b) **Application Review and Approval**

- 1) Applications will be accepted once a year on a due date established at the beginning of the program year pursuant to Section 110.102 of this Part.
- 2) Applications will be prepared and submitted to the Department as specified in Section 110.70 of this Part.
- 3) Applications will be reviewed in accordance with Section 110.102 of this Part.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 110.100 Application Evaluation for Competitive Public Facilities and Competitive Housing Rehabilitation Components (Repealed)

- a) **Explanation of Application-Ranking-System**

Applicants will compete in a formalized ranking system. Applications will be ranked in three areas: Project-Benefit, Benefit-to-Bow-and-Moderate-Income-Persons, and Resource-Levaging-Separate-and-Distinct-Project-Benefit-Ranking-Criteria. Have been developed for the Housing Rehabilitation and Public Facilities program. The Department will review applications for ranking and selection according to the criteria described in this section. The Department will then select projects for funding out of the top ranking projects as determined under subsection (b)(2) until all available funds are expended.

- b) **Criteria For Selection of Applications**

- 1) The analysis will evaluate the project's need, according to its impact on program-benefit, benefit to low and moderate income persons, and resource-leveraging utilizing the ranking system for each program contained in subsections (c) and (d).
- 2) Comparative assessment of Applications

- A) The Department will initially screen and identify top ranking CBAP applications. Projects will be ranked in the categories of maximum moderate minimum or no rating as described in subsections (c) and (d). Maximum ratings do not insure that the project will be funded. The Department will then conduct intensive evaluations leading to the CBAP

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Project-only "moderately" addresses the criteria or does not fully meet any one of the criteria described in subsections (d)(1)-(A)(1) through (1)(1) of this Part. Criteria identified in subsections (d)(1)-(A)(1) and (1)(1) of this Part, however, must be fully met.

E) An application shall receive a minimal impact rating if the project only minimally addresses the housing benefit criteria. Areas identified in subsections (d)(1)-(A)(1) and (1)(1) however must be fully met to even qualify for the minimal rating.

B) An application shall receive an insignificant impact rating if it fails to meet the standards of subsections (d)(1)-(A)(1) and (1)(1).

2) Benefit to Low and Moderate Income Persons

A) Maximum benefit rating shall be received if 90-100 percent of persons benefiting are low to moderate income.

B) Moderate benefit rating shall be received if 70-89 percent and

E) Minimum benefit rating shall be received if 51-69 percent and

B) No benefit rating shall be received if 50 percent or less.

3) Resource Leveraging

A) Maximum resource leveraging rating shall be received if 25 percent or more of requested EBAP funds will be funded from other public/private sources.

B) Moderate resource leveraging rating shall be received if 15 percent or more of requested EBAP funds will be funded from other public/private sources.

E) Minimum resource leveraging rating shall be received if it is documented that, despite the lack of leverage, the community made a concerted effort to secure the additional resources, and

B) No leveraging rating shall be received if the applicant did not make efforts to secure additional resources, despite its leveraging potential.

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

Section 110.101 Application Evaluation for Competitive Planning Assistance Component

a) Explanation of Application Ranking System

Applicants will compete in a formalized ranking system. Applications will be ranked in 4 areas: Problem Statement, Project Strategy, Work Plan/Budget, and Benefit to Low-and-Moderate Income Persons. The Department will review applications for ranking and selection according to the criteria described in this Section. The Department

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will then select projects for funding out of the top-ranking projects as determined under subsection (b)(2) until all available funds are expended.

b) Criteria for Selection of Applications

1) The analysis will evaluate project need, according to its impact on program benefit and benefit to low-and-moderate income persons utilizing the ranking system contained in subsection (c).

2) Comparative Assessment of Applications

A) The Department will initially screen and identify top ranking CDAP applications. Projects will be ranked in the categories of maximum, moderate, minimum, or no rating as described in subsection (c). Maximum ratings do not guarantee that a project will receive funding. The Department will then conduct intensive evaluations, leading to the CDAP grant award decisions. Department staff will analyze project characteristics including:

i) a comparative assessment of projects -- e.g., low-and-moderate income benefits, local contribution, etc.;

ii) a verification of submitted application information;

iii) a thorough analysis of the project's readiness to proceed; and

iv) a determination of the applicant's previous efforts to address its problems.

B) Actual funding levels will relate closely to the competitiveness of the proposed projects. Applications will be comparatively ranked according to the criteria described in subsections (b)(1) and (2) to help determine the final funding levels. The Department reserves the right to negotiate the final funding figures.

c) Ranking Criteria

1) Impact on Planning Needs

A) An application shall receive a maximum rating if it has fully:

i) Identified a specific problem and its cause or source, including information on persons affected, long-term consequences if no action is taken, and local efforts that have taken place to solve it.

ii) Proposed a strategy which will lead to completion of the planning activity, including discussion of why it is the most appropriate approach and how it will benefit primarily low-to-moderate income persons.

iii) Outlined specific activities, timeframes, costs, responsible parties, and outcomes, including an explanation of how they were determined and how the timeframe and budget are reasonable and appropriate.

B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not

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fully meet any one of the criteria in subsections (c)(1)(A)(i) through (iii).

- C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsections (c)(1)(A)(i) through (iii).

- D) An application shall receive a "no rating" if it fails to fully meet the standards in subsections (c)(1)(A)(i) through (iii).

2) Benefit to Low-and-Moderate Income Persons

- A) A maximum rating shall be received if 71-100 percent of the persons benefiting are low-to-moderate income.
- B) A moderate rating shall be received if 61-70 percent of persons benefiting are low-to-moderate income.
- C) A minimum rating shall be received if 51-60 percent of persons benefiting are low-to-moderate income.
- D) No benefit rating shall be received if fewer than 51 percent are low-to-moderate income persons.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 110.102. Application Evaluation for Competitive Removal of Architectural Barriers Component

- a) Explanation of Application Ranking System
- Applicants will compete in a formalized ranking system. Applications will be ranked in 4 areas: Self-Evaluation/Transition Plan, Problem Summary, Project Plan, and Work Budget. The Department will review applications for ranking and selection according to the criteria described in this Section. The Department will then select projects for funding out of the top-ranking projects as determined under subsection (b)(2) until available funds are expended.

- b) Criteria for Selection of Applications
- 1) The analysis will begin with a determination that applicants have completed a Self-Evaluation/Transition Plan (as defined in Section 110.30). Applicants failing to comply with this requirement will not advance to the comparative assessment of applications as determined under subsection (b)(2).

2) Comparative Assessment of Applications

- A) The Department will initially screen and identify top-ranking CDAP applications. Projects will be ranked in the categories of maximum, moderate, minimum, or no rating as described in subsection (c) of this Section. Maximum ratings do not guarantee that a project will receive funding. The Department will then conduct intensive evaluations, leading to the CDAP grant award decisions. Department staff will analyze project characteristics

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including:

- i) a comparative assessment of projects -- e.g., extent of severity of architectural barriers, financial need, etc.;
- ii) a verification of submitted application information;
- iii) a thorough analysis of the project's readiness to proceed; and
- iv) a determination of the applicant's previous efforts to address its problems.

- B) Actual funding levels will relate closely to the competitiveness of the proposed projects. Applications will be comparatively ranked according to the criteria described in subsections (b)(1) and (2) to help determine the final funding levels. The Department reserves the right to negotiate the final funding figures.

c) Ranking Criteria

- 1) Community Need: This criterion is an objective measure of relative poverty and economic distress designed to give some priority to applicants with the highest level of need. The following 2 indicators will be equally weighted and given a numerical score.

- A) Estimates of Average Unemployment in Illinois, by county, based upon Illinois Department of Employment Security data.
- B) Percentage of People in Poverty according to United States Census Bureau data.

2) Problem Summary

- A) An application shall receive a maximum rating if it has fully:

- i) Described the efforts that have previously taken place with local funds, including structural and non-structural activities to make services more accessible;
- ii) Described any consultation efforts with individuals with disabilities, or organizations representing such persons, in the preparation of the Self-Evaluation/Transition Plan; and
- iii) Documented that it would be a severe financial burden upon the applicant if the project were not assisted with CDAP funds.

- B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet one of the criteria in subsections (c)(1)(A)(i) through (iii).

- C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsections (c)(1)(A)(i) through (iii).

- D) An application shall receive a "no rating" if it fails to

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fully meet the standards in subsections (c)(1)(A)(i) through (iii).

3) Project Plan

A) An application shall receive a maximum rating if it has fully:

- i) Described all of the alternatives considered prior to submitting the application, including a discussion of non-physical alternatives considered versus physical improvements;
- ii) Explained prioritization of the selected improvements and justification as to why this activity provides direct access to a general government service; and
- iii) Described any in-kind or financial contributions from the applicant to this project.

B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsections (c)(3)(A)(i) through (iii).

C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsections (c)(3)(A)(i) through (iii).

D) An application shall receive a "no rating" if it fails to fully meet the standards in subsections (c)(3)(A)(i) through (iii).

4) Project Activity Budget

A) An application shall receive a maximum rating if it has fully justified the reasonableness and appropriateness of the budget, considering the scope, substance, and duration of the proposed project.

B) An application shall receive a moderate rating if the project only "moderately" addresses the criterion in subsection (c)(4)(A).

C) An application shall receive a minimum rating if the project only "minimally" addresses the criterion in subsection (c)(4)(A).

D) An application shall receive a "no rating" if it fails to fully meet the standard in subsection (c)(4)(A).

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 110.103 Application Evaluation for Competitive Public Facilities Construction and Design Engineering Component

a) Explanation of Application Ranking System

- i) Applicants will compete in a formalized ranking system. Applications will undergo an initial review to determine

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eligibility in 4 areas: Benefit to Low-and-Moderate Income Persons, Documentation of Threat to Health and Safety, Evidence of Project Readiness and Leverage Funds. Upon meeting the minimum eligibility thresholds, applications will compete in a formalized ranking system.

- 2) Applications will be ranked in 4 areas: Community Need, Urgency of Need, Need for Financial Assistance and Benefit to Low-and-Moderate Income Persons. The Department will review applications for ranking and selection according to the criteria described in this Section. The Department will then select projects for funding out of the top-ranking projects as determined under subsection (b)(2) until all available funds are expended.

b) Criteria for Selection of Applications

- 1) The analysis will evaluate project need, according to its impact on program benefit and benefit to low-to-moderate income persons utilizing the ranking system contained in subsection (d).

2) Comparative Assessment of Applications

- A) The Department will screen and identify top ranking CDAP applications. Projects will be ranked in categories of maximum, moderate, minimum, or no rating as described in subsection (d). Maximum ratings do not guarantee that a project will receive funding. The Department will then conduct intensive evaluations, leading to the CDAP grant award decision. Department staff may conduct field visits and will analyze project characteristics, including:
 - i) a comparative assessment of projects -- e.g., low-to-moderate income and benefits, local contribution, etc.;
 - ii) a verification of submitted application information;
 - iii) a thorough analysis of the project's readiness to proceed; and
 - iv) a determination of the applicant's previous efforts to address its problems.

B) Actual funding levels will relate closely to the competitiveness of the proposed projects. Applications will be comparatively ranked according to the criteria described in subsections (b)(1) and (2) to determine the final funding levels. The Department reserves the right to negotiate the final funding figures.

c) Eligibility Thresholds

- 1) Benefit to Low-and-Moderate Income Persons: Applications must document that the project will benefit at least 51 percent low-to-moderate income persons and that, as applicable, no special assessments will be levied against residential structures owned and occupied by low-and-moderate income persons and that provisions are made to hook up these residences. Applications which do not document benefit to low-to-moderate income persons

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- will not be considered further.
- 2) Documentation of Threat to Health and Safety: Applications must include documentation verifying that the project addresses a threat to health and safety. Applications which do not document threat to health and safety will not be considered further.
 - 3) Evidence of Project Readiness: Applications must demonstrate that the project is appropriate and achievable and that all actions have been completed to ensure timely implementation of the project. Applications which do not document project readiness will not be considered further.
 - 4) Leverage Funds: Applications must provide evidence that at least 25 percent of non-administrative project costs will be provided from non-CDAP sources.

d) Ranking Criteria

- 1) Community Need: This criterion is an objective measure of relative poverty and economic distress designed to give some priority to applicants with the highest level of need. The following 2 indicators will be equally weighted and given a numerical score.
 - A) Estimates of Average Unemployment in Illinois, by county, based upon Illinois Department of Employment Security data.
 - B) Percentage of People in Poverty according to United States Census Bureau data.

2) Urgency of Need

- A) An application shall receive a maximum rating if it has fully:
 - i) documented that a serious deficiency exists in a community public facility or that the community lacks the facility entirely;
 - ii) identified problems clearly attributable to the deficiency have occurred, such as serious illness, disease outbreak, or serious environmental pollution; and
 - iii) identified that the problem is existing, continual and chronic as opposed to occasional, sporadic or probable.
- B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsections (d)(2)(A)(i) through (d)(2)(A)(iii).
- C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsections (d)(2)(A)(i) through (d)(2)(A)(iii).
- D) An application shall receive a "no rating" if it fails to fully meet the standards in subsections (d)(2)(A)(i) through (d)(2)(A)(iii).

3) Need for Financial Assistance

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- A) An application shall receive a maximum rating if it has fully:
 - i) documented that all avenues of funding the project with local revenues have been exhausted;
 - ii) documented that the proposed project could not reasonably be accomplished without CDAP assistance;
 - iii) documented that the proposed level of local financial participation is the maximum that can be reasonably expected;
 - iv) documented substantial past efforts to deal with the public facility need with local financial resources, such as tax increases or user fee rate increases; and
 - v) demonstrated that reasonable efforts have been made to secure additional funds from other appropriate State and federal agencies.
- B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsections (d)(3)(A)(i) through (v).
- C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsections (d)(3)(A)(i) through (v).
- D) An application shall receive a "no rating" if it fails to fully meet the standards in subsections (d)(3)(A)(i) through (v).
- 4) Benefit to Low-and-Moderate Income Persons
 - A) A maximum rating shall be received if 71-100 percent of the persons benefiting are low-to-moderate income.
 - B) A moderate rating shall be received if 61-70 percent of persons benefiting are low-to-moderate income.
 - C) A minimum rating shall be received if 51-60 percent of persons benefiting are low-to-moderate income.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 110.104 Application Evaluation for Competitive Housing Rehabilitation Component

- a) Explanation of Application Ranking System
 - 1) Applicants will compete in a formalized ranking system. Applications will undergo an initial review to determine eligibility in 2 areas: Benefit to Low-and-Moderate Income Persons and Leverage Funds. Upon meeting the minimum eligibility thresholds, applications will compete in a formalized ranking system.
 - 2) Applications will be ranked in 5 areas: Community Need, Project

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Need, Project Impact, Evidence of Coordination of Resources, and Project Readiness. The Department will then select projects for funding out of the top-ranking projects as determined under subsection (b)(2) until all available funds are expended.

b) Criteria for Selection of Applications

1) The analysis will evaluate project need, according to its impact on program benefit and benefit to low-to-moderate income persons utilizing the ranking system contained in subsection (d).
 2) Comparative Assessment of Applications

A) The Department will screen and identify top ranking CDAP applications. Projects will be ranked in categories of maximum, moderate, minimum or no rating as described in subsection (d). Maximum ratings do not guarantee that a project will receive funding. The Department will then conduct intensive evaluations, leading to the CDAP grant award decisions. Department staff may conduct field visits and will analyze project characteristics, including:

- i) a comparative assessment of projects -- e.g., project impact, local contribution, community need, etc.;
- ii) a verification of submitted application information;
- iii) a thorough analysis of the project's readiness to proceed; and
- iv) a determination of the applicant's previous efforts to address its problems.

B) Actual funding levels will relate closely to the competitiveness of the proposed projects. Applications will be comparatively ranked according to the criteria described in subsections (b)(1) and (2) to determine the final funding levels. The Department reserves the right to negotiate the final funding figures.

c) Eligibility Thresholds

1) Benefit to Low-and-Moderate Income Persons: Applications must document that the project will benefit 100 percent low-to-moderate income persons. Applications which do not document benefit to low-to-moderate income persons will not be considered further.

2) Leverage Funds: Applications must provide evidence that at least 25 percent of non-administrative housing rehabilitation costs will be provided from non-CDAP sources.

d) Ranking Criteria

1) Community Need: This criterion is an objective measure of relative poverty and economic distress designed to give some priority to applicants with the highest level of need. The following 2 indicators will be equally weighted and given a numerical score.

- A) Estimates of Average Unemployment in Illinois, by county, based upon Illinois Department of Employment Security data.
- B) Percentage of People in Poverty according to United States

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Census Bureau data.

2) Project Need

A) An application shall receive a maximum rating if it has fully:

- i) demonstrated that the extent of housing deficiencies is widespread and serious and the percentage of substandard units occupied by low-to-moderate income persons is high relative to the total number of households in the area;
- ii) identified specific local conditions that have contributed or are contributing to the deterioration or lack of affordable housing; and
- iii) described previous efforts to address housing problems that have not resolved the housing deficiencies, including a description of why the efforts failed to solve the problem.

B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsections (d)(2)(A)(i) through (iii).

C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsections (d)(2)(A)(i) through (iii).

D) An application shall receive a "no rating" if it fails to fully meet the standards in subsections (d)(2)(A)(i) through (iii).

3) Project Impact

A) An application shall receive a maximum rating if it has fully:

- i) demonstrated that a substantial number of the housing units in need of rehabilitation in the identified project area will be repaired;
- ii) demonstrated that the proposed housing rehabilitation project addresses the identified needs and deficiencies and moves to resolve the problems; and
- iii) outlined how the targeted need or area is clearly distinguished from the overall housing needs in the community.

B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsections (d)(3)(A)(i) through (iii).

C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsections (d)(3)(A)(i) through (iii).

D) An application shall receive a "no rating" if it fails to

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fully meet the standards in subsections (d)(3)(A)(i) through (iii).

4) Evidence of Coordination of Resources

- A) An application shall receive a maximum rating if it has fully:
- explained the use of all available resources including a description of local efforts to revitalize the area to achieve maximum impact upon the targeted need or area; and
 - described the extent to which the proposed project represents the most effective option for achieving maximum impact.
- B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsections (d)(4)(A)(i) and (ii).
- C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsections (d)(4)(A)(i) and (ii).
- D) An application shall receive a "no rating" if it fails to fully meet the standards in subsections (d)(4)(A)(i) and (ii).

5) Project Readiness

- A) An application shall receive a maximum rating if it has fully:
- developed a preliminary list of qualified general contractors which have expressed an interest in, and are available to perform, the proposed rehabilitation activities;
 - demonstrated substantial homeowner interest in both loan and/or grant portions of the identified project;
 - documented that operational procedures and administrative structure have been established at the local level;
 - documented that qualifications of, and procedures for selection of, housing inspector(s) have been established;
 - identified the specific types of, and priorities given to, work to be performed, including cost estimates;
 - established clear and measurable rehabilitation standards and proposed a reasonable implementation schedule;
 - included a description of the local application process that identified how the targeted population will be notified and encouraged to apply; and
 - developed preliminary financing plans, such as a commitment of leverage funds and a financing structure

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

that considers residents' incomes.

- B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsections (d)(5)(A)(i) through (viii).
- C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsections (d)(5)(A)(i) through (viii).
- D) An application shall receive a "no rating" if it fails to fully meet the standards in subsections (d)(5)(A)(i) through (viii).

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 110.105 Small Business Financing Component (Repealed)

The purpose of this component is to help small businesses which need access to low interest fixed rate financing to create or retain jobs. Funds will be made available on an as needed basis on a noncompetitive process until all funds are obligated.

- a) Project Eligibility Criteria--For a project to be eligible for funding under this component applicants must document the following:
- A minimum 51 percent of persons benefiting from the project will be low to moderate income (as defined in Section 110.90 of this Part)
 - Program funds will be limited to 20 percent of the total project cost and will not exceed the established grant ceiling pursuant to Section 110.90 of this Part
 - Proposals also must provide documentation revealing financial feasibility from other financial servicing institutions bank commitment letter must state loan term amortization schedule interest rate and conditions of its participation and the reasons why it cannot finance the entire project as well as financial statement from the participating firm to prove the project's viability and to indicate that the project could not proceed without the infusion of CBAP assistance. Also required shall be a cash flow analysis pro forma statement that projects at a minimum the first years operations with the proposed loan funds (as defined in section 110.90 of this Part)
- b) Application Review and Approval
- The procedures for application review and approval are the same as those specified in Section 110.91(b)
 - Proposals will be looked upon favorably that have a very high ratio of jobs created retained to the amount of grant funds being requested. The fewer the grant dollars per job created the more favorably the proposal will be viewed. The community should seek

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~~to-leverage-as-many-other-sources-of-funds-as-possible--either public-or-private~~

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

Section 110.110 Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and as follow are applicable.

a) Compensation. The method of compensation shall be in accordance with the applicable State laws relative to such compensation by which the Department is governed. Payments to the Grantee are subject to the receipt of invoice-vouchers. The first payment for program initiation may be an advance and should be the amount necessary to meet the first month's non-administrative cost needs. Thereafter, the payments are dual purpose in that they will be sufficient to cover the non-administrative expenditures to date as well as the cash needs of the Grantee for the next 30 days. Administrative costs may be drawn as described above, or the Grantee may draw down administrative needs in equal, quarterly increments. Each invoice-voucher shall be certified to the effect that the Grantee has performed in conformance with the Grant Document and that it is entitled to receive the amount requisitioned.

b) Reporting - An Expenditure Summary and Payment Request form shall be submitted to the Department with each invoice-voucher ~~on-or-before-the fifteenth--calendar--day--of--each--month--after--the-first-month-of-the program-year--using-forms-provided-by-the-Department.~~

c) Procurement - Procurement shall be conducted in accordance with 24 CFR Part 85 "Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments."

d) Records - CDAP records shall be maintained in accordance with 24 CFR Part 85 of the Illinois Local Records Act [50 ILCS 205] and 24 CFR 570.490 (1992) and are subject to the Freedom of Information Act [5 ILCS 140].

e) Financial Management

1) Grantees shall comply with financial management procedures provided in OMB Circular A-87, "Cost Principles for State and Local Governments," published May 4, 1995, and standards promulgated by the American Institute of Certified Public Accountants (AICPA).

2) Each new grantee shall submit a letter from a certified public accountant, before funds will be released, stating that the grantee's financial system is adequate for handling transactions and accounting for activities under CDAP funds. This letter shall be submitted to the Department to cover the entire time period of the grant. Audits shall be conducted in accordance

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with the Comptroller General's Standards for Audits of Governmental Organizations, Programs, Activities, or Functions, and the General Accounting Office's Guidelines for Financial and Compliance Audits of Federally Assisted Programs.

f) Bonding and Insurance

1) Grantees shall obtain a fidelity bond for each employee or official with access to project assets, accounting records, or checks. The bond (position or blanket) shall be in an amount at least equal to the total amount of the project assets which would be available to the project at any time.

2) Grantees shall comply with the flood insurance purchase requirements of Section 102(e) of the Flood Disaster Protection Act of 1973, P.L. 93-234, approved December 31, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED RULE

1) Heading of the Part: Effect of Adoption of Least-cost Plans

2) Code Citation: 83 Ill. Adm. Code 441

3) Section Numbers: Proposed Action:
441.10 New Section

4) Statutory Authority: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

5) A Complete Description of the Subjects and Issues Involved: The proposed rule concludes that a Commission order approving a least-cost plan shall constitute *prima facie* evidence of the prudence of the decisions made and actions taken by the utility through the date of plan approval and subsequent actions and decisions to implement the plan. This will apply to proceedings other than the one in which the plan was adopted.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 782-7434

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed rule will not affect any utilities that are small businesses, nor will they affect any small municipalities or not-for-profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:

None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1995

The full text of the Proposed Rule begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULE

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER C: ELECTRIC UTILITIES

PART 441
EFFECT OF ADOPTION OF ELECTRIC LEAST-COST PLANS

Section

441.10 Effect of Adoption of Least-cost Plans

AUTHORITY: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

SOURCE: Adopted at 20 Ill. Reg. _____, effective _____.

Section 441.10 Effect of Adoption of Least-cost Plans

Adopted on by the Illinois Commerce Commission ("Commission") of an electric utility least-cost energy plan (a "plan"), as provided in 83 Ill. Adm. Code 440.810, shall have the following effect in proceedings before the Commission other than the one in which the plan was adopted:

- a) A Commission order approving a plan, whether that order has been issued before or after the effective date of this Part, shall constitute prima facie evidence that utility decisions made or actions taken through the date of plan approval that are related to the selection of future resources and specifically identified in the plan pursuant to 83 Ill. Adm. Code 440.620 and/or 440.700 are prudent. Such prima facie evidence shall be rebutted if any party or Commission Staff provides evidence in the record of such other proceeding that the utility failed to disclose, prior to the issuance of the order approving the plan, facts known to the utility which would have likely altered the Commission's decision if they had been in the record of the proceeding in which the plan was approved. Examples of such facts include, but are not limited to, omissions from the analyses required by 83 Ill. Adm. Code 440.500, "Historical and Forecasted Levels of Peak Demand and Energy Usage" and 83 Ill. Adm. Code 440.610, "Future Resource Options."
- b) A Commission order approving a utility's plan, whether that order has been issued before or after the effective date of this Part, shall constitute prima facie evidence that subsequent actions and decisions of the utility to implement programs, or to create or acquire resources, are prudent, provided that such programs or resources are specifically identified pursuant to 83 Ill. Adm. Code 440.310 and 440.700 in the approved plan. Prima facie evidence of the prudence of subsequent actions and decisions of the utility, as described above, made in accordance with the approved plan shall be rebutted by a showing by any party or the Commission Staff of a substantial and

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULE

material change of relevant circumstance upon which the Commission relied in approving a program or resource specifically identified in the approved plan, where such change of circumstances was known or reasonably should have been known by the utility at the time of those subsequent actions and decisions of the utility as to that program or resource.

DEPARTMENT OF NATURAL RESOURCES

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1) Heading of the Part: Urban and Community Forestry Grant Program

2) Code Citation: 17 Ill. Adm. Code 1538

3) Section Numbers: Proposed Action:

1538.5 Amendments
1538.10 Amendments
1538.20 Amendments
1538.30 Amendments
1538.40 Amendments
1538.50 Amendments
1538.60 Amendments
1538.70 Amendments
1538.80 Amendments

4) Statutory Authority: Implementing and authorized by the Urban and Community Forestry Assistance Act [30 ILCS 735].

5) A Complete Description of the Subjects and Issues Involved: These amendments include changes to eligibility definitions of a project and plan and clarification of the general procedures and requirements.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: The purpose of the Urban and Community Forestry Grant Program is to provide financial assistance to local units of government for the development of plans and implementation of programs for the establishment, management, conservation, and preservation of the urban and community forest.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
(217) 782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis: This rule does not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER d: FORESTRY

PART 1538
URBAN AND COMMUNITY FORESTRY GRANT PROGRAM

Section	Purpose
1538.5	Definitions
1538.10	Eligibility
1538.20	General Information
1538.30	General Procedures
1538.40	Urban and Community Forestry Project Approval
1538.50	Eligible Urban and Community Forestry Projects
1538.60	Evaluation Priorities
1538.70	Program Information
1538.80	

AUTHORITY: Implementing and authorized by the Urban and Community Forestry Assistance Act [30 ILCS 735].

SOURCE: Adopted at 16 Ill. Reg. 11108, effective June 30, 1992; amended at 20 Ill. Reg. _____, effective _____.

Section 1538.5 Purpose

The purpose of the Urban and Community Forestry Grant Program is to provide financial assistance to local units of government for the development of plans and implementation of programs for the establishment, management, conservation, and preservation of the urban and community forest municipalities for the implementation of Urban-Forestry-Plans.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1538.10 Definitions

"Act" means the Urban and Community Forestry Assistance Act [30 ILCS 735].

"Applicant" means a unit of local government. An Illinois chartered not-for-profit corporation as defined in the General Not-For-Profit Corporation Act of 1986 can be a co-applicant with a unit of local government.

"Budgeted" means the municipality has, through legal means, authorized the expenditure of dollars within the appropriate department for forestry activities described in the Urban and Community Forestry

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Management Plan and the Urban and Community Forestry Project Proposal.

a) "Comprehensive Urban and Community Forestry Management Plan Document" means a written comprehensive document used as a guide for urban and community forestry management decisions. It contains information on history, policy, budget, inventory analysis of the forest ecosystem resources and management prescriptions, and describes describing how a unit of local government municipality will protect, enhance, conserve, maintain and expand the urban and community forestry resource. This plan links together all aspects of a municipality's Urban Forestry Projects into a comprehensive document.

"Department" means the Illinois Department of Natural Resources.

b) "Equipment" means tangible items of a non-consumable nature exceeding \$100.

c) "Urban and Community Forestry Project Proposal means Plan"-Action Plan or Project means a written document proposing plan--documenting proposed action to be implemented to complete a specific project approved by the Department pursuant to the this Act.

d) "Budgeted" means the municipality has through legal means, authorized the expenditure of dollars within the appropriate department for forestry activities described in the Comprehensive Urban-Forestry Management Document and more specifically the Urban-Forestry-Plan.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1538.20 Eligibility

a) Participation in the Urban and Community Forestry Grant Program is available to local units of government. An Illinois chartered not-for-profit corporation as defined in the General Not-For-Profit Corporation Act of 1986 can be co-applicant of local government limited-to-cities-villages-or-incorporated-towns-with-more-than-275 inhabitants.

b) An Applicant's Urban and Community Forestry Project Proposal Plan must be reviewed and approved by the Department of Conservation before a grant will be awarded.

c) Units of local government Municipalities must have, or during the course of this grant, shall develop and put into effect an urban and community forestry ordinance or resolution addressing their commitment. The purpose of the ordinance is to define the city's responsibility regarding public trees and other vegetation and to provide a legal basis for appropriating funds for urban and community forestry programs.

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- h) All project costs incurred before the unit of local government receives notice that they will receive a grant are not eligible for reimbursement.
- i) Only one application for an Urban and Community Forestry Grant can be submitted from any one unit of local government per annual grant period year.
- j) Grants should not be used to substitute for existing urban forestry budgets, but used for new projects or programs.
- k) All records, receipts, expenditures, and program activities of a grant recipient are documentation of expenditures by a municipality and shall be subject to audit by the Department.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1538.40 General Procedures

- a) Necessary application forms are available from the Department of Natural Resources Conservation, Division of Forest Resources, 600 North Grand Avenue West, Post Office Box 19225, Springfield, IL 62794-9225. Urban and Community Forestry grant applications shall consist of the following basic requirements:
- 1) A completed application form with a complete narration of the proposed project.
 - 2) A copy of the unit of local government's municipality's urban and community forestry ordinance, or equivalent.
 - 3) A map of the municipality showing the location of the proposed project, if applicable.
 - 4) A copy of the unit of local government's municipality's Department or Tree Board approved Urban and Community Forestry Management Plan.
 - 5) A document showing how the unit of local government municipality has budgeted for the Urban and Community Forestry Project Proposal Plan.
 - 6) Other supportive documentation.
- b) Applications for grant assistance must be received on or before the date posted by the Department. Applicants municipalities will be notified as to the qualification or non-qualification of their application within 30 days after its receipt. Units of local government municipalities whose applications meet the qualifications specified in the Urban and Community Forestry Assistance Act and this Part will be ranked according to the priorities in Section 1538.70. When grant funds are available, funds will be obligated to qualified units of local governments communities based on their geographic location and ranking. Rank municipalities may apply for grants within dates as publicly announced for unobligated funds. These applications will be evaluated for qualification in the same way as previous applications. However, the grants will be awarded on a first-come

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(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1538.30 General Information

- a) Grants are awarded for implementing Department approved Urban and Community Forestry Project Proposals Plans. The municipality's application for a grant is evaluated based on the priorities defined in Section 1538.70.
- b) Units of local government municipalities may apply jointly (or as a co-applicant with a chartered not-for-profit corporation as defined in the General Not-For-Profit Corporation Act of 1986) for approval of Urban and Community Forestry Project Proposals through the Urban and Community Forestry Grant Program. Contracts will be awarded to the unit of local government Plans and grants.
- c) The total number of grants awarded each calendar year is dependent on the size of the grants and the total amount of funds available for the program in the given fiscal year (July 1 - June 30).
- d) A single grant to a unit of local government shall not exceed 5% of the amount allocated for the grant program by the Department in the current fiscal year. However, a cap at no more than 20% of the amount allocated for the grant program by the Department can be used for multi-community projects. Regardless of project size, one individual community can receive no more than 5% of the amount allocated for the grant program. Urban Forestry Plans will be considered for funding by the Department of Conservation for two years. After two years, the municipality must reapply for approval.
- e) Grants will not be awarded for the purchasing of equipment.
- f) Grant money is limited to Urban and Community Forestry Project Proposals Plans for which the applicant municipality will provide at least 50% of the cost. The unit of local government's municipality's share of the project cost must be budgeted at the time of application. The municipality's share of the cost may be made by contribution of in-kind service. The unit of local government municipality should set forth, in the application, in detail how such contribution will be made and document in-kind contribution. No federal funds may be used as the match for the project.
- g) A grant to any one municipality shall not exceed \$100,000 per year. Multi-community grants are encouraged. However, a cap of \$50,000 per multi-community project has been established. Not more than \$50,000 local match means a maximum of \$100,000 per project. Regardless of project size, one individual community can receive no more than \$100,000.
- h) The Urban and Community Forestry Grant Program operates on a reimbursement basis only. Reimbursement is provided upon completion of the project approved in the Urban and Community Forestry Grant Contract Project and filing proper expenditure documents on forms provided by the Department.

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first-served-basis-

- c) Approved projects as specified in the Urban and Community Forestry Project Proposals must be implemented and completed by a date mutually agreed upon by the Department and the municipality.
- d) During the implementation of an Urban and Community Forestry Project Proposal, if it is necessary to make changes in scope, plans and/or specifications, the unit of local government municipality shall obtain the Department's approval prior to any change. Changes shall be made a part of the project file and kept available for audit.
- e) After a completed Urban and Community Forestry Project has been accepted by the Department and all subcontractors and bills have been paid, the unit of local government will prepare and submit a billing request to the Department for reimbursement of up to 50% of the actual approved project costs. Approved project costs are based on those that were budgeted for in the grant recipient's budget and included in the Department approved Urban and Community Forestry Project Proposal.
- f) The Department may make on-site inspections, as deemed necessary in relation to the scope of the Urban and Community Forestry Grant project, to check progress and compliance with all applicable laws and specifications.
- g) When applicable, the Department will contact it is the responsibility of the grant recipient municipality to contact the Department to arrange the final on-site inspection prior to distribution of grant funds. This contact will be made after the grant recipient submits the required forms for reimbursement.
- g) After a completed Urban and Community Forestry Project has been accepted by the Department and all subcontractors and bills have been paid, the local agency prepares and submits a billing request to the Department for reimbursement of up to 50% of the approved project costs. Approved project costs are those that were budgeted for in the municipality's budget and included in the Department approved Urban Forestry Plan.
- h) Grant recipients Municipalities that do not meet the objectives or provide adequate documentation will not receive reimbursement grant funds.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1538.50 Urban and Community Forestry Project Approval

- a) A unit of local government municipality or its representative may develop an Urban and Community Forestry Project Proposal and submit it to the Department of Natural Resources Conservation, Division of Forest Resources along with the application for approval. The Urban and Community Forestry Project Proposal shall include:
- i) Information about the community such as its previous urban and community forestry programs and the importance of urban forestry

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- to the community served by the unit of local government.
- 2) A narrative relating the importance of urban and community forest to forestry in the community to be served by the unit of local government and to the objectives of the Urban Forestry Project Proposal.
- 3) A list of tangible objectives, such as species and location number of trees to be planted, number of people to be trained and type of training, documents to be developed, etc.
- 4) A narrative describing the proposed projects and actions.
- 5) A narrative explaining how the proposed projects and actions will meet the objectives of the community served by the unit of local government.
- 6) A statement describing how the project will develop or promote a local community urban and community forestry program on a long-term basis.
- 7) An itemized budget for the proposed project.
- b) Any unit of local government municipality whose project is not approved may appeal to the Regional Review Committee pursuant to 17 Ill. Adm. Code 2530. The Regional Review Committee is composed of the Regional Administrator, a District Forester from another district in the Region and the Urban Conservation Program Manager. The appeal must be made within 30 days from the date that the plan or practice was not approved.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1538.60 Eligible Urban and Community Forestry Projects

Grant Assistance may be obtained for, but not limited to the following, which are not necessarily items listed in priority order:

- a) The hiring of urban forestry personnel, consultants, interns or tree care companies to complete a Department- of--Conservation approved Urban and Community Forestry Project Proposal.
- b) The development of a comprehensive Urban and Community Forestry Management Plan Document.
- c) The establishment of a tree board and-street-tree-ordinance.
- d) The collection and organization of data, such as site, location and condition of trees along city streets or in parks. (Street Tree Inventory)
- e) The training of unit of local government municipal employees in tree care practices such as pruning, fertilizing, cabling and bracing.
- f) Urban and community forestry educational and appreciation programs for the general public.
- g) The removal of hazardous, nuisance and dead trees from public property.
- h) Tree planting demonstration on public owned or controlled property.
- i) The development of a plan for control control of tree insects and

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disease agents.

j) The establishment or development of a tree ordinance.

- 1) The ordinance must indicate the need for the urban and community forestry program. For instance, the health, safety and welfare of the community's residents and the economic development beauty of the community are two examples indicating need.

- 2) The ordinance must establish the division, department, board or other authority that will have the legal responsibility for the local Urban and Community Forestry Program including the implementation of the of--implementing Urban and Community Forestry Project Proposal Plans. The ordinance must specify the duties and responsibilities of the authority. If the authority is a board or commission, the ordinance must specify the number and qualifications of the members and their term of office.

- 3) The ordinance must state that one of the responsibilities of the authority is to develop written standards for tree planting and maintenance pursuant to the National Arborist Association's ANSI A300 Standard for Tree Maintenance Pruning-Standards-for-Shade Trees, available from the National Arborist Association, Post Office Box 1094, Amherst NH 03031-1094, telephone 1-800-733-2622.

- 4) The ordinance must define who has the authority to plant and maintain trees on public property.

- 5) The ordinance should contain a provision for the removal of hazardous or diseased trees from private property.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1538.70 Evaluation Priorities

a) Awarding of urban and community forestry grants will be determined by a competitive application process. The following criteria will be used to evaluate and select projects from qualified Urban and Community Forestry Project Proposals Projects for grant funding. No special priority is given to any of the following items.

- 1) The need for the development of a Comprehensive comprehensive Urban and Community Forestry Management Plan Document as documented by a Comprehensive Urban and Community Forestry Management Plan Document ---a--comprehensive--plan or other long-range planning document.

- 2) The need for the project outlined in the proposed Urban and Community Forestry Project Proposal as documented by a Comprehensive comprehensive Urban and Community Forestry Management Plan Document ---a--comprehensive--plan or other long-range planning document.

- 3) The need for the Urban and Community Forestry Project Proposal as indicated by public support. Public support must be documented by evidence of citizen participation in urban and community forestry programs, especially participation in---the---project

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proposed in the Urban and Community Forestry Project Proposal Plan or copies of residents' requests for urban forestry assistance.

- 4) The commitment of individuals, businesses and other local organizations to the Urban and Community Forestry Project Proposal Plan, as demonstrated by attendance at local participation meetings, volunteer service, funds raised or other in-kind contributions (based on population).

- 5) The need for assistance based upon the receipt of grant funds from the Department of Conservation for implementing Urban and Community Forestry Projects Plans within the past five fiscal years.

- 6) The facilitation of improvements to the quality of the environment if forests and green space areas within the applicant's jurisdiction through the improved management and preservation of the urban/community forest resources for the common good, health, welfare and safety of the citizens of this State.

- 7) Increase public awareness.

- 8) Increase participation of local citizenry and volunteers.

- 9) Establishment and commitment to the management and improvement of the forest resources of the community.

b) Special consideration will be given to those Urban and Community Forestry Project Proposals Projects that address:

- 1) Joint Are-joint efforts between two or more municipalities that may have regional implications.

- 2) Reduction Effectively--show--a--significant--reduction in energy consumption.

- 3) Utilization of Utilize waste wood materials, i.e., logs, brush, wood chips, etc.

- 4) Full increase-the-opportunities-for-full or part time employment opportunities jobs in urban and community forestry and related activities fields.

- 5) The development of a new urban and community forestry program as defined by Have not being been an active part of the municipality's programs within the past five years.

- 6) The community's Contribute---to---community development, appreciation, and continued awareness of the importance of the urban and community natural resource.

- 7) The establishment of Establish tree boards for facilitating and improving the management of urban and community forest resources.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1538.80 Program Information

Information regarding the Urban and Community Forestry Grant Program may be

DEPARTMENT OF NATURAL RESOURCES

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obtained by writing to:

Illinois Department of Natural Resources **Conservation**
Division of Forest Resources
600 North Grand Avenue West, P.O. Box 19225
Springfield, Illinois 62794-9225
PHONE: 217/782-2361

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Licensing Requirements for Land Disposal of Radioactive Waste
- 2) Code Citation: 32 Ill. Adm. Code 601
- 3) Section Number: Proposed Action:
601.20 Amendment
601.70 Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act (420 ILCS 20).
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to assure compatibility with NRC requirements under the Agreement State program.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Valerie A. Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9880 (Voice)
(217) 782-6133 (TDD)
- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF NUCLEAR SAFETY
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A) Types of small businesses, small municipalities and not for profit corporations affected: The Department believes that this rulemaking will have no direct impact on any small businesses, small municipalities and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not require applicants to perform reporting, bookkeeping or other procedures for achieving compliance.

C) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY
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TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER d: LOW LEVEL RADIOACTIVE WASTE/TRANSPORTATION

PART 601

LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

Section	Purpose and Scope
601.10	Definitions
601.20	License Required
601.30	Content of Application
601.50	General Information
601.60	Specific Technical Information
601.70	Technical Analyses
601.80	Institutional Information
601.90	Financial Information
601.100	Standards for Issuance of a License
601.110	Conditions of Licenses
601.120	Application for Renewal or Closure
601.130	Contents of Application for Closure
601.140	Post-Closure Observation and Maintenance
601.150	Post-Closure Procedures
601.160	Termination of License
601.170	Performance Objectives - General Requirement
601.180	Performance Objectives - Protection of the General Population from Releases of Radioactivity
601.190	Performance Objectives - Protection of Individuals from Inadvertent Intrusion
601.200	Performance Objectives - Protection of Individuals During Operations
601.210	Performance Objectives - Stability of the Disposal Site After Closure
601.220	Technical Requirements - Disposal Site Suitability Requirements for Land Disposal
601.230	Technical Requirements - Disposal Site Design for Land Disposal
601.240	Technical Requirements - Land Disposal Facility Operation and Disposal Site Closure
601.250	Technical Requirements - Environmental Monitoring
601.260	Technical Requirements - Alternative Requirements for Design and Operations
601.270	Institutional Requirements
601.280	Alternative Requirements for Waste Classification and Characteristics
601.290	Applicant Qualifications and Assurances
601.300	Funding for Disposal Site Closure and Stabilization
601.310	Financial Assurances for Institutional Controls
601.320	Maintenance of Records, Reports, and Transfers
601.330	Tests at Land Disposal Facilities
601.340	Department Inspections of Land Disposal Facilities
601.350	

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AUTHORITY: Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20].

SOURCE: Adopted at 10 Ill. Reg. 17465, effective September 25, 1986; amended at 18 Ill. Reg. 16579, effective November 1, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 601.20 Definitions

As used in this Part, the following definitions apply:

"Active maintenance" means activity which is needed during the period of institutional control to assure that the performance objectives in Sections 601.190 and 601.200 are met. Such active maintenance includes ongoing activities such as the pumping and treatment of water from a disposal unit or one-time measures such as replacement of a disposal unit cover. Active maintenance does not include custodial activities such as repair of fences, repair or replacement of monitoring equipment, revegetation, minor additions to soil cover, minor repair of disposal unit covers, and general disposal site upkeep such as mowing grass.

"Buffer zone" means a portion of the disposal site that is controlled by the licensee and that lies under the disposal units and between the disposal units and the boundary of the site.

"Chelating agent" means amine polycarboxylic acids, hydroxycarboxylic acids, glucinic acid and polycarboxylic acids.

"Commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a land disposal facility. The term does not mean disposal site exploration, necessary roads for disposal site exploration, borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the disposal site or the protection of the environment.

"Custodial agency" means an agency of the government designated to act on behalf of the government owner of the disposal site.

"Disposal" means the isolation of radioactive wastes from the biosphere inhabited by persons and their food chains by emplacement in a land disposal facility.

"Disposal site" means that portion of a land disposal facility which is used for disposal of waste. It consists of disposal units and a buffer zone.

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"Disposal unit" means a discrete portion of the disposal site into which waste is placed for disposal.

"Engineered barrier" means a man-made structure or device that is intended to improve the land disposal facility's ability to meet the performance objectives in this Part.

"Explosive material" means any chemical compound, mixture, or device which produces a substantial instantaneous release of gas and heat spontaneously or by contact with sparks or flame.

"Hazardous waste" means those wastes designated as hazardous by the U.S. Environmental Protection Agency regulations in 40 CFR 261, effective July 1, 1984.

"Hydrogeologic unit" means any soil or rock unit or zone which by virtue of its porosity or permeability, or lack thereof, has a distinct influence on the storage or movement of groundwater.

"Inadvertent intruder" means a person who might occupy the disposal site after closure and engage in normal activities, such as agriculture, dwelling construction, or other pursuits in which an individual might be unknowingly exposed to radiation from the waste.

"Intruder barrier" means a sufficient depth of cover over the waste that inhibits contact with waste and helps to ensure that radiation exposures to an inadvertent intruder will meet the performance objectives set forth in this Part, or engineered structures that provide equivalent protection to the inadvertent intruder.

"Land disposal" - see "Land disposal facility".

"Land disposal facility" means the land, buildings, and structures and equipment which are intended to be used for the disposal of radioactive wastes.

"Monitoring" means observing and making measurements to provide data to evaluate the performance and characteristics of the disposal site.

"Pyrophoric liquid" means any liquid that ignites spontaneously in dry or moist air at or below 130° F (54.5° C). A pyrophoric solid is any solid material, other than one classed as an explosive, which under normal conditions is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious transportation, handling, or disposal hazard. Included are spontaneously combustible and water-reactive materials.

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"Site closure and stabilization" means those actions that are taken upon completion of operations that prepare the disposal site for custodial care and that assure that the disposal site will remain stable and will not need ongoing active maintenance.

"Stability" means structural stability.

"Surveillance" means monitoring and observation of the disposal site for purposes of visual detection of need for maintenance, custodial care, evidence of intrusion, and compliance with other license and regulatory requirements.

"Waste" means those low-level radioactive wastes that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level waste has the same meaning as in the Low-Level Radioactive Waste Policy Act, (P.L. 96-573, as amended by P.L. 99-240, effective January 15, 1986) i.e., radioactive material that (A) is not high-level radioactive waste, spent nuclear fuel, or byproduct material (as defined in Section 11 e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2))); and (B) the Nuclear Regulatory Commission, consistent with existing law and in accordance with paragraph (A), classifies as low-level radioactive waste.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 601.70 Specific Technical Information

Specific technical information pertaining to site suitability shall be provided to demonstrate that the performance objectives and the applicable technical requirements of this Part will be met:

- a) A description of the natural and demographic disposal site characteristics as determined by disposal site selection and characterization activities. The description shall include geologic, geotechnical, hydrologic, meteorologic, climatologic, and biotic features of the disposal site and vicinity.
- b) A description of the design features of the land disposal facility and the disposal units. The description shall include design features related to infiltration of water; integrity of covers for disposal units; structural stability of filling material, wastes, and covers; contact of wastes with standing water; disposal site drainage; disposal site closure and stabilization; elimination to the extent practicable of long-term disposal site maintenance; inadvertent intrusion; occupational exposures; disposal site monitoring; and adequacy of the size of the buffer zone for monitoring and potential mitigative measures.
- c) An environmental assessment describing the impacts that the disposal site will have on the environment.

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- d) A description of the principal design criteria and their relationship to the performance objectives.
- e) A description of the design basis natural events or phenomena and their relationship to the principal design criteria.
- f) A description of codes and standards which the applicant has applied to the design and which will apply to construction of the land disposal facilities. Such standards shall meet local, state and national building code standards.
- g) A description of the construction and operation of the land disposal facility. The description shall include as a minimum the methods of construction of disposal units; waste emplacement; the procedures for and areas of waste segregation; types of intruder barriers; onsite traffic and drainage systems; survey control program; methods and areas of waste storage; and methods to control surface water and groundwater access to the wastes. The description shall also include a description of the methods to be employed in the handling and disposal of wastes containing chelating agents or other nonradiological substances that might affect meeting the performance objectives of this Part.
- h) A description of the disposal site closure plan, including those design features which are intended to facilitate disposal site closure and to eliminate the need for ongoing active maintenance.
- i) An identification of the known natural resources at the disposal site whose exploitation could result in inadvertent intrusion into the low-level wastes after removal of active institutional control.
- j) A description of the kind, amount, classification, and specifications of the radioactive material proposed to be received, possessed, and disposed of at the land disposal facility.
- k) A description of the quality assurance control program, tailored to low-level radioactive waste (LLW) disposal for the determination of natural disposal site characteristics and for quality control during the design, construction, operation, and closure of the land disposal facility and the receipt, handling, and emplacement of waste. Audits and managerial controls must be included.
- l) A description of the radiation safety program for control and monitoring of radioactive effluents to ensure compliance with the performance objective in Section 601.190 and occupational radiation exposure to ensure compliance with the requirements of 32 Ill. Adm. Code 340 and to control contamination of personnel, vehicles, equipment, buildings, and the disposal site. Both routine operations and accidents shall be addressed. The program description must include procedures, instrumentation, facilities, and equipment.
- m) A description of the environmental monitoring program including the frequency, type, and method of analysis to provide data to evaluate potential health and environmental impacts and the plan for taking corrective measures if migration of radionuclides is indicated.
- n) A description of the administrative procedures that the applicant will apply to control activities at the land disposal facility.

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(Source: Amended at 20 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 309
- 3) Section Numbers: Proposed Action:
309.103 Amended
- 4) Statutory Authority: 415 ILCS 5/13, 13.3 and 27
- 5) A. Complete Description of the Subjects and Issues Involved: Section 13.3 of the Act requires the Board to adopt regulations which are "identical in substance" with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) to implement the pretreatment requirements of Sections 307 and 402 of the Clean Water Act. The proposed amendments adopt the amendments to the pretreatment regulations adopted by the USEPA between January 1, 1995 and June 30, 1995.

The USEPA, on June 29, 1995, at 60 Fed. Reg. 33926, deleted a number of regulations that were obsolete or redundant. The rules considered obsolete have expired by their own terms or by terms of the statute or have been made obsolete by the completion of the grant projects to which the regulation applied. The Board updates the incorporations of the regulations of which parts have been deleted by the USEPA. The USEPA noted that its action did not make any legally substantive changes to the regulatory program.

A more detailed description of the amendments can be found in the Board's opinion in Docket R95-22 of December 20, 1995, which is available from the Pollution Control Board at the address below. Section 13.3 of the Environmental Protection Act (415 ILCS 5/13.3) provides that Section 5 of the Illinois Administrative Procedure Act (IAPA) shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or second notice review by the Joint Committee on Administrative Rules.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes. The existing text of Part 309 has numerous incorporations by reference throughout various Sections. The present amendments update the incorporations to include the changes in federal amendments that prompted this rulemaking.
- 9) Are there any other proposed rulemakings pending on this Part? No

POLLUTION CONTROL BOARD

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10) Statement of Statewide Policy Objectives: This rulemaking is mandated by Section 13.3 of the Environmental Protection Act (Act). The stated statewide policy objectives are set forth in Section 11 of the Act. This rule imposes mandates on units of local government to the extent they pretreat industrial waste or operate a publicly owned treatment works required to have a pretreatment program.

The full text of the Proposed Amendment begins on the next page:

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R95-22 within 45 days of publication in the *Illinois Register* to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

All comments should be clearly marked with the docket number R95-22. Questions may be directed to Diane O'Neill at the Pollution Control Board at (312) 814-6062.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 28, 1995

B) Types of small businesses, small municipalities and not for profit corporations affected: Industries disposing of industrial wastewaters into sewage collection systems of publicly owned treatment works. However, the amendments reflect the deletion of obsolete and redundant Sections and will not affect small businesses.

C) Reporting, bookkeeping or other procedures required for compliance: The existing rules require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The present amendments will not change the way in which the existing regulations affect some small businesses.

D) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The present amendments will not change the way in which the existing regulations affect some small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 309
PERMITS

SUBPART A: NPDES PERMITS

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309.101	Preamble
309.102	NPDES Permit Required
309.103	Application -- General
309.104	Renewal
309.105	Authority to Deny NPDES Permits
309.106	Access to Facilities and Further Information
309.107	Distribution of Applications
309.108	Tentative Determination and Draft Permit
309.109	Public Notice
309.110	Contents of Public Notice of Application
309.111	Combined Notices
309.112	Agency Action After Comment Period
309.113	Fact Sheets
309.114	Notice to Other Governmental Agencies
309.115	Public Hearings on NPDES Permit Applications
309.116	Notice of Agency Hearing
309.117	Agency Hearing
309.118	Agency Hearing File
309.119	Agency Action After Hearing
309.141	Terms and Conditions of NPDES Permits
309.142	Water Quality Standards and Waste Load Allocation
309.143	Effluent Limitations
309.144	Federal New Source Standards of Performance
309.145	Duration of Permits
309.146	Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements
309.147	Authority to Apply Entry and Inspection Requirements
309.148	Schedules of Compliance
309.149	Authority to Require Notice of Introduction of Pollutants into Publicly Owned Treatment Works
309.150	Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act
309.151	Maintenance and Equipment
309.152	Toxic Pollutants
309.153	Deep Well Disposal of Pollutants (Repealed)
309.154	Authorization to Construct
309.155	Sewage Sludge Disposal
309.156	Total Dissolved Solids Reporting and Monitoring

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309.181	Appeal of Final Agency Action on a Permit Application
309.182	Authority to Modify, Suspend or Revoke Permits
309.183	Revision of Schedule of Compliance
309.184	Permit Modification Pursuant to Variance
309.185	Public Access to Information
309.191	Effective Date

SUBPART B: OTHER PERMITS

Section	
309.201	Preamble
309.202	Construction Permits
309.203	Operating Permits; New or Modified Sources
309.204	Operating Permits; Existing Sources
309.205	Joint Construction and Operating Permits
309.206	Experimental Permits
309.207	Former Permits (Repealed)
309.208	Permits for Sites Receiving Sludge for Land Application
309.221	Applications -- Contents
309.222	Applications -- Signatures and Authorizations
309.223	Applications -- Registered or Certified Mail
309.224	Applications -- Time to Apply
309.225	Applications -- Filing and Final Action By Agency
309.241	Standards for Issuance
309.242	Duration of Permits Issued Under Subpart B
309.243	Conditions
309.244	Appeals from Conditions in Permits
309.261	Permit No Defense
309.262	Design, Operation and Maintenance Criteria
309.263	Modification of Permits
309.264	Permit Revocation
309.265	Approval of Federal Permits
309.266	Procedures
309.281	Effective Date
309.282	Severability

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 Ill. Reg. 34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg.

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7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495, effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2892, effective February 13, 1990; amended in R91-5 at 16 Ill. Reg. 7339, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. _____, effective _____.

SUBPART A: NPDES PERMITS

Section 309.103 Application -- General

a) Application Forms

- 1) An applicant for a National Pollutant Discharge Elimination System (NPDES) Permit shall file an application, in accordance with Section 309.223 hereof, on forms provided by the Illinois Environmental Protection Agency (Agency). Such forms shall comprise the NPDES application forms promulgated by the U.S. Environmental Protection Agency for the type of discharge for which an NPDES Permit is being sought and such additional information as the Agency may reasonably require in order to determine that the discharge or proposed discharge will in compliance with applicable state and federal requirements.
- 2) In addition to the above application forms, the Agency may require the submission of plans and specifications for treatment works and summaries of design criteria.
- 3) Effluent toxicity monitoring
 - A) In addition to the above application forms, the Agency may require, pursuant to Section 39 of the Act, the installation, use, maintenance and reporting of results from monitoring equipment and methods, including biological monitoring. The Agency may require, pursuant to Section 39 of the Act, effluent toxicity testing to show compliance with 35 Ill. Adm. Code 302.621 and 302.630. If this toxicity testing shows the effluent to be toxic, the Agency may require pursuant to Section 39 of the Act further testing and identification of the toxicant(s) pursuant to 35 Ill. Adm. Code 302.210(a).
 - B) The following POTWs shall provide the results of valid whole effluent biological toxicity testing to the Agency:
 - i) All POTWs with design influent flows equal to or greater than one million gallons per day;
 - ii) All POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program pursuant to 35 Ill. Adm. Code 310. Subpart E;
 - iii) All POTWs listed in (a)(3)(B), the Agency may require other POTWs to submit the result of toxicity tests with their permit applications, based on consideration of the following factors.

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- i) The variability of the pollutants or pollutant parameters in the POTW effluent (based on chemical-specific information, the type of treatment facility, and types of industrial contributors);
 - ii) The dilution of the effluent in the receiving water (ratio of effluent flow to receiving stream flow);
 - iii) Existing controls on point or non-point sources, including total maximum daily load calculations for the waterbody segment and the relative contribution of the POTW;
 - iv) Receiving stream characteristics, including possible or known water quality impairment, and whether the POTW discharges to a coastal water, one of the Great Lakes, or a water designated as an outstanding natural resource; or
 - v) Other considerations (including but not limited to the history of toxic impact and compliance problems at the POTW), which the Agency determines could cause or contribute to adverse water quality impacts.
- D) The POTWs required under subsections (a)(3)(B) or (a)(3)(C) to conduct toxicity testing shall use the methods prescribed at 35 Ill. Adm. Code 302. Subpart F. Such testing must have been conducted since the later of the last NPDES permit reissuance or permit modification pursuant to Section 309.182, 309.183 or 309.184 for any of the reasons listed at 40 CFR 122.62(a) (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1995), herein incorporated by reference (including no later amendments or editions).
- 4) All POTWs with approved pretreatment programs shall provide the following information to the Agency: a written technical evaluation of the need to revise local limits pursuant to 35 Ill. Adm. Code 310.210.

BOARD NOTE: Subsections (a)(3)(B) through (a)(4) are derived from 40 CFR 122.21(j) (1994) (1995).

- b) Animal Waste Facilities

An applicant for an NPDES Permit in connection with the operation of an animal waste facility shall complete, sign, and submit an NPDES application in accordance with the provisions of 35 Ill. Adm. Code Subtitle E, Chapter I.
- c) Mining Activities
 - 1) If, as defined by 35 Ill. Adm. Code 402.101, mining activities are to be carried out on a facility for which an NPDES Permit is held or required, the applicant must submit a permit application as required by 35 Ill. Adm. Code 403.103, 403.104 and 405.104. If the facility will have a discharge other than a mine discharge or non-point source mine discharge as defined by 35 Ill. Adm. Code 402.101, the applicant shall also submit an NPDES Permit

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application in accordance with Section 309.223 on forms supplied by the Agency.

- 2) As provided by 35 Ill. Adm. Code 403.101, except to the extent contradicted in 35 Ill. Adm. Code Subtitle D, Chapter I, the rules contained in this Subpart apply to 35 Ill. Adm. Code: Subtitle D, Chapter I NPDES Permits.

- 3) As provided by 35 Ill. Adm. Code 406.100, except to the extent provided in 35 Ill. Adm. Code Subtitle D, Chapter I, the effluent and water quality standards of 35 Ill. Adm. Code 302, 303 and 304 are inapplicable to mine discharges and non-point source mine discharges.

d) New Discharges

Any person whose discharge will begin after the effective date of this Subpart A or any person having an NPDES Permit issued by the U.S. Environmental Protection Agency for an existing discharge which will substantially change in nature, or increase in volume or frequency, must apply for an NPDES Permit either:

- 1) No later than 180 days in advance of the date on which such NPDES Permit will be required; or
- 2) In sufficient time prior to the anticipated commencement of the discharge to insure compliance with the requirements of Section 306 of the Clean Water Act (CWA) (33 USC 1251 et seq.), or with any applicable zoning or siting requirements established pursuant to Section 208(b)(2)(C) of the CWA, and any other applicable water quality standards and applicable effluent standards and limitations.

e) Signatures

An application submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively. In the case of a publicly owned facility, the application shall be signed by either the principal executive officer, ranking elected official, or other duly authorized employee.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pretreatment Programs

- 2) Code Citation: 35 Ill. Adm. Code 310

- 3) Section Numbers: Proposed Action:

310.103	Amended
310.107	Amended
310.510	Amended
310.602	Amended
310.711	Amended

- 4) Statutory Authority: 415 ILCS 5/13, 13.3 and 27

- 5) A Complete Description of the Subjects and Issues Involved: Section 13.3 of the Act requires the Board to adopt regulations which are "identical in substance" with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) to implement the pretreatment requirements of Sections 307 and 402 of the Clean Water Act. The proposed amendments adopt the amendments to the pretreatment regulations adopted by the USEPA between January 1, 1995 and June 30, 1995.

The USEPA, on June 29, 1995, at 60 Fed. Reg. 33926, deleted a number of regulations that were obsolete or redundant. The rules considered obsolete have expired by their own terms or by terms of the statute or have been made obsolete by the completion of the grant projects to which the regulation applied. The Board updates the incorporations of the regulations of which parts have been deleted by the USEPA. The USEPA noted that its action did not make any legally substantive changes to the regulatory program.

The USEPA amended its guidelines for testing under the Clean Water Act (40 CFR 136) to add clarifying notes and update methods. Section 310.107 of the Illinois pretreatment regulations incorporates 40 CFR 136. The Board updates the incorporation of 40 CFR 136 in Section 310.107 to include the amendments as adopted at 60 Fed. Reg. 17160.

A more detailed description of the amendments can be found in the Board's opinion in Docket R95-22 of December 20, 1995, which is available from the Pollution Control Board at the address below. Section 13.3 of the Environmental Protection Act (415 ILCS 5/13.3) provides that Section 5 of the Illinois Administrative Procedure Act (IAPA) shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or second notice review by the Joint Committee on Administrative Rules.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes. The existing text of Part 310 has numerous incorporations by reference throughout various Sections. The present amendments update the incorporations to include the changes in federal amendments that prompted this rulemaking.

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking is mandated by Section 13.3 of the Environmental Protection Act (Act). The stated statewide policy objectives are set forth in Section 11 of the Act. This rule imposes mandates on units of local government to the extent they pretreat industrial waste or operate a publicly owned treatment works required to have a pretreatment program.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R95-22 within 45 days of publication in the *Illinois Register* to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

All comments should be clearly marked with the docket number R95-22. Questions may be directed to Diane O'Neill at the Pollution Control Board at (312) 814-6062.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 28, 1995

- B) Types of small businesses, small municipalities and not for profit corporations affected: Industries disposing of industrial wastewaters into sewage collection systems of publicly owned treatment works. However, the amendments reflect the deletion of obsolete and redundant Sections and will not affect small businesses.

- C) Reporting, bookkeeping or other procedures required for compliance: The existing rules require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The present amendments will not change the way in which the existing regulations affect some small businesses.

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- D) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The present amendments will not change the way in which the existing regulations affect some small businesses.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 310

PRETREATMENT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

310.101 Applicability
310.102 Objectives
310.103 Federal Law
310.104 State Law
310.105 Confidentiality
310.107 Incorporations by Reference
310.110 Definitions
310.111 New Source

SUBPART B: PRETREATMENT STANDARDS

Section

310.201 General Prohibitions
310.202 Specific Prohibitions
310.210 Specific Limits Developed by POTW
310.211 Local Limits
310.220 Categorical Standards
310.221 Category Determination Request
310.222 Deadline for Compliance with Categorical Standards
310.230 Concentration and Mass Limits
310.232 Dilution
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AUTHORITY: Implementing and authorized by Sections 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 310.103 Federal Law

a) The Board intends that this Part be identical in substance with the pretreatment requirements of the Clean Water Act (33 USC 1351 et seq.) and United States Environmental Protection Agency (USEPA) regulations at 40 CFR 401 et seq.

b) This Part will allow the Agency to issue pretreatment permits, review POTW pretreatment plans and authorize POTW's to issue authorizations to discharge to industrial users when and to the extent USEPA authorizes the Illinois pretreatment program pursuant to the Clean Water Act. After authorization the requirements of the Clean Water Act and 40 CFR 401 et seq. will continue in Illinois. In particular, USEPA will:

- 1) Retain the right to request information pursuant to 40 CFR 403.8(f) (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995; and
- 2) Retain the right to inspect and take samples pursuant to 40 CFR 403.12(1) (1994).

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c) This Part shall not be construed as exempting any person from compliance, prior to authorization of the Illinois pretreatment program, with the pretreatment requirements of the Clean Water Act, USEPA regulations and NPDES permit conditions.

d) POTW pretreatment programs which have been approved by USEPA pursuant to 40 CFR 403 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995, will be deemed approved pursuant to this Part, unless the Agency determines that it is necessary to modify the POTW pretreatment program to be consistent with State law.

1) The Agency shall notify the POTW of any such determination within 60 days after approval of the program by USEPA, or within 60 days after USEPA authorizes the Illinois pretreatment program, whichever is later.

2) If the Agency so notifies the POTW, the POTW will apply for program approval pursuant to Section 310.501 et seq.

e) USEPA's access to Agency records and information in possession of the Agency shall be governed by the memorandum of agreement between USEPA and the Agency, subject to confidentiality requirements in Section 310.105.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 310.107 Incorporations by Reference

a) The following publications are incorporated by reference:

- 1) The consent decree in NRDC v. Costle, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978).
- 2) Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.

b) The following provisions of the Code of Federal Regulations are incorporated by reference:

- 40 CFR 2.302 (1994) †1991†
- 40 CFR 25 (1994) †1991†
- 40 CFR 122, Appendix D, Tables II and III (1994) †1991†
- 40 CFR 128.1-10(b) (1977)
- 40 CFR 136 (1994), as amended at 60 Fed. Reg. 17160, effective April 4, 1995 †1991†
- 40 CFR 403 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1991†
- 40 CFR 403, Appendix D (1994) †1991†

c) The following federal statutes are incorporated by reference:

- 1) Section 1001 of the Criminal Code (18 U.S.C. 1001) as of July 1, 1988
- 2) Clean Water Act (33 U.S.C. 1251 et seq.) as of July 1, 1988
- 3) Subtitles C and D of the Resource Conservation and Recovery Act

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(42 U.S.C. 6901 et seq.) as of July 1, 1988

d) This Part incorporates no future editions or amendments.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART E: POTW PRETREATMENT PROGRAMS

Section 310.510 Pretreatment Program Requirements: Development and Implementation by POTW

A POTW pretreatment program shall be based on the following legal authority and include the following procedures, and these authorities and procedures shall at all times be fully and effectively exercised and implemented:

- a) Legal authority. The POTW shall operate pursuant to legal authority enforceable in federal, state or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of this Part and 35 Ill. Adm. Code 307. Such authority may be contained in a statute, ordinance or series of joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:
 - 1) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit;
 - 2) Require compliance with applicable pretreatment standards and requirements by industrial users;
 - 3) Control, through ordinance, permit, order or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements, and in the case of each significant industrial user, as defined at 35 Ill. Adm. Code 310.110, this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user; such control mechanisms must be enforceable and contain, at a minimum, the following conditions:
 - A) A statement of duration (in no case more than five years);
 - B) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
 - C) Effluent limits based on applicable general pretreatment standards in this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law;
 - D) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of

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the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards of this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law; and

E) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule; however, such schedules may not extend the compliance date beyond applicable federal deadlines;

4) Require:

- A) The development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements; and
 - B) The submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited, to the reports required in 310.634 Subpart F;
- 5) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under Section 310.634 to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under Section 308 of the CWA;
- 6) Obtain remedies for noncompliance by any industrial user with any pretreatment standard or requirement:

- A) All POTW's shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards or requirements. All POTW's shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1000 a day for each violation by industrial users of pretreatment standards and requirements. POTW's whose approved pretreatment programs require modification to conform to the requirements of this subsection shall submit a request by November 16, 1989;
- B) Pretreatment requirements which will be enforced through the remedies set forth in subsection (a)(6)(A) will include but not be limited to: the duty to allow or carry out inspections, entry or monitoring activities; any rules, regulations or orders issued by the POTW; any requirements set forth in individual control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW, this Part or 35 Ill. Adm. Code 307. The POTW shall have

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authority and procedures (after notice to the industrial user) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Agency shall have authority to seek judicial relief when the POTW has sought a monetary penalty which the Agency finds to be insufficient; and

- 7) Comply with the confidentiality requirements set forth in Section 310.105;

b) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the POTW to:

- 1) Identify and locate all possible industrial users which might be subject to the POTW pretreatment program. Any compilation, index or inventory of industrial users made under this subsection shall be made available to the Agency upon request;
- 2) Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under subsection (b)(1). This information shall be made available to the Agency upon request;
- 3) Notify industrial users identified under subsection (b)(1) of applicable pretreatment standards and any applicable requirements under Section 204(b) and 405 of the CWA and Subtitles C and D of the Resource Conservation and Recovery Act, incorporated by reference in Section 310.107. Within 30 days of approval, pursuant to subsection (f), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status;
- 4) Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in Subpart D;
- 5) Randomly sample and analyze the effluent from industrial users and conduct surveillance and inspection activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year. Evaluate, at least once every two years, whether each such significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill

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or a non-customary batch discharge. The results of these activities shall be made available to the Agency upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- A) A description of discharge practices, including non-routine batch discharges;
- B) A description of stored chemicals;
- C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 310.202 and 35 Ill. Adm. Code 307.Subpart B, with procedures for follow-up written notification within five days; and
- D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and measures and equipment for emergency response;
- E) Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under Subpart D, or as indicated by analysis, inspection and surveillance activities described in subsection (b)(5). Sample taking and analysis, and the collection of other information, shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

- 7) Comply with the public participation requirements of 40 CFR 25, incorporated by reference in Section 310.107, in the enforcement of pretreatment standards. These procedures shall include provision for providing, at least annually, public notification, in a newspaper of general circulation in the unit of local government in which the POTW is located, of industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
 - A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
 - B) "Technical review criteria" (TRC) violations, which shall mean those violations in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product

of a non-customary batch discharge. The results of these activities shall be made available to the Agency upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

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of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

- C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under subsection (a)(6)(B) to halt or prevent such a discharge;
- E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F) Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G) Failure to accurately report noncompliance; or
- H) Any other violation or group of violations which the Agency determines will adversely affect the operation or implementation of the local pretreatment program;

c) The POTW shall have sufficient resources and qualified personnel to carry the authorities and procedures described in subsection (a) and (b):

- d) Local limits. The POTW shall develop local limits as required in Section 310.210 or demonstrate that they are not necessary;
- e) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:
 - 1) Describe how the POTW will investigate instances of noncompliance;
 - 2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
 - 3) Identify (by title) the officials responsible for each type of response; and
 - 4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in subsections (a) and (b); and
- f) The POTW shall prepare a list of its industrial users meeting the criteria in the first subsection of the definition of "significant

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industrial user" at Section 310.110. The list shall identify the criteria in the first subsection of the definition of "significant industrial user" at Section 310.110 applicable to each industrial user and, for industrial users meeting the criteria in the second subsection of that definition, shall also indicate whether the POTW has made a determination pursuant to the caveat in the second subsection of that definition that such industrial user should not be considered a significant industrial user. This list, and any subsequent modifications thereto, shall be submitted to the Agency as a non-substantial program modification pursuant to Subpart K. Discretionary designations or de-designations by the control authority shall be deemed to be approved by the Agency 90 days after submission of the list or modifications thereto.

BOARD NOTE: Derived from 40 CFR 403.8(f) (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1994).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART F: REPORTING REQUIREMENTS

Section 310.602 Baseline Report

Within the time limits specified in subsection (h), existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall submit to the control authority a report which contains the information listed in subsections (a) through (g). New sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority a report which contains the information listed in subsections (a) through (e). Where reports containing this information already have been submitted to the US EPA in compliance with 40 CFR 128.140(b), incorporated by reference in Section 310.107, the industrial user shall not be required to submit this information again. New sources shall also include in the report information on the method of pretreatment the source intended to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (d) and (e).

- a) Identifying information. The industrial user shall submit the name and address of the facility including the name of the operator and owners;
- b) Permits. The industrial user shall submit a list of any environmental control permits held by or for the facility;
- c) Description of operations. The industrial user shall submit a brief description of the nature, average rate of production and standard industrial classification (SIC Code) of the operations carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

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- d) Flow measurement. The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - 1) Regulated process streams; and
 - 2) Other streams as necessary to allow use of the combined wastewater formula of Section 310.233. (See subsection (e)(5)(7).) The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- e) Measurement of pollutants.
 - 1) The industrial user shall identify the pretreatment standards applicable to each regulated process.
 - 2) In addition, the industrial user shall submit the result of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.
 - 3) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority shall waive flow proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples shall be obtained through time proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
 - 4) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
 - 5) Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the industrial user shall measure the flows and concentrations necessary to allow use of the combined wastewater formula of Section 310.233 in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Section 310.233, this adjusted limit along with supporting data shall be submitted to the control authority.
 - 6) Analytical methods.
 - A) The Board incorporates by reference 40 CFR 403.12(b) (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1998), as amended at 53 Fed. Reg. 40613, October 17, 1988.

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This Part incorporates no future amendments or editions.

- B) Sampling and analysis shall be performed in accordance with the techniques prescribed in 35 Ill. Adm. Code 307.1003. When 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutant in question, or where USEPA has determined that sampling and analysis techniques are inappropriate pursuant to 40 CFR 403.12(b) (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, approved by the Agency, including procedures suggested by the POTW or other parties.⁷

- 7) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.⁷

- 8) The baseline report shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.⁷

- f) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in Section 310.633) and certified to be a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

- g) Compliance schedule. If additional pretreatment or O and M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

- 1) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (Subpart C), by the combined wastestream formula (Section 310.233) or a fundamentally different factors determination (Subpart E) at the time the user submits the report required by this Section, the information required by subsections (f) and (g) shall pertain to the modified limits.

- 2) If the categorical pretreatment standard is modified by a removal allowance (Subpart C), by the combined wastestream formula (Section 310.233) or a fundamentally different factors determination (Subpart E) after the user submits the report required by this Section, any necessary amendments to the information requested by subsections (f) and (g) shall be submitted by the user to the control authority within 60 days

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- h) after the modified limit is approved;⁷
Deadlines for baseline reports.

- 1) For standards adopted by USEPA prior to authorization of the Illinois pretreatment program baseline reports must be submitted pursuant to 40 CFR 403.12(b) (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995.

- 2) For standards adopted by USEPA after authorization of the Illinois pretreatment program:

- A) Baseline reports for existing sources are due within 180 days after the Board adopts or incorporates a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), whichever is later.

- B) New sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall submit the baseline report within 90 days before beginning discharge.

- C) New sources already in existence and discharging on the date the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), as described for existing sources under subsection (h)(1)(A), are considered existing sources for the purposes of the due date provisions of this subsection.

BOARD NOTE: Derived from 40 CFR 403.12(b) (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (#98877-as-amended-at-53-Ped.-Reg.-#66137-October-177-1988).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section 301.711 Application Deadline

- a) Request for an FDF determination and supporting information must be submitted in writing to the Agency.

- b) In order to be considered, requests for FDF determinations must be submitted within the following time limits:

- 1) Prior to authorization of the Illinois program, FDF requests must be directed to USEPA pursuant to 40 CFR 403.13 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (#98877).

- 2) For standards adopted by USEPA after authorization of the Illinois pretreatment program, the industrial user shall request an FDF determination within 180 days after the Board adopts or incorporates the standard by reference unless the user has requested a category determination pursuant to Section 310.221.

- c) Where the industrial user has requested a category determination

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pursuant to Section 310.221, the user may elect to await the results of the category determination before submitting a request for an FDF determination. Where the user so elects, the user shall submit the request within 30 days after a final decision has been made on the categorical determination pursuant to Section 310.221(d).

†BOARD NOTE: Derived from 40 CFR 403.13(g) (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995. ††986††

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Sewage Discharge Criteria

2) Code Citation: 35 Ill. Adm. Code 307

3) Section Numbers:

307.1502,	307.1503,	307.1504,	307.1505,	307.1506	Amended
307.1507,	307.1508,	307.1509,	307.1510,	307.1511	Amended
307.1512,	307.1601,	307.1602,	307.1603,	307.1604	Amended
307.1605,	307.1606,	307.1607,	307.1608,	307.1609	Amended
307.1610,	307.1702,	307.1703,	307.1704,	307.1705	Amended
307.1706,	307.1707,	307.1708,	307.1801,	307.1815	Amended
307.1901,	307.1902,	307.1903,	307.2101,	307.2103	Amended
307.2201,	307.2701,	307.2702,	307.2703,	307.2704	Amended
307.2705,	307.2706,	307.2707,	307.2708,	307.2709	Amended
307.2710,	307.2711,	307.2712,	307.2713,	307.2714	Amended
307.2715,	307.2716,	307.2717,	307.2718,	307.2719	Amended
307.3401,	307.3402,	307.3403,	307.3601,	307.3602	Amended
307.3603,	307.3604,	307.3605,	307.3606,	307.3607	Amended
307.3607,	307.3608,	307.3610,	307.3611,	307.3612	Amended
307.3613,	307.3701,	307.3702,	307.3703,	307.3704	Amended
307.3705,	307.3706,	307.3707,	307.3708,	307.3709	Amended
307.3710,	307.3711,	307.3801,	307.3804,	307.3805	Amended
307.3806,	307.3807,	307.3808,	307.3809,	307.3810	Amended
307.3811,	307.4201,	307.4202,	307.4203,	307.4204	Amended
307.4205,	307.4206,	307.4207,	307.4208,	307.4209	Amended
307.4210,	307.5301,	307.5302,	307.5303,	307.5304	Amended
307.5601,	307.5701,	307.6801,	307.6802,	307.6803	Amended
307.6804					Amended

4) Statutory Authority: 415 ILCS 5/13, 13.3 and 27

5) A Complete Description of the Subjects and Issues Involved: Section 13.3 of the Act requires the Board to adopt regulations which are "identical in substance" with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) to implement the pretreatment requirements of Sections 307 and 402 of the Clean Water Act. The proposed amendments adopt the amendments to the pretreatment regulations adopted by the USEPA between January 1 and June 30, 1995.

The USEPA on June 29, 1995, at 60 Fed. Reg. 33926, deleted a number of regulations that were obsolete or redundant. The rules considered obsolete have expired by their own terms or by terms of the statute or have been made obsolete by the completion of the grant projects to which the regulation applied. The Board updates the incorporations of the regulations of which parts have been deleted by the USEPA. The USEPA noted that its action did not make any legally substantive changes to the regulatory program.

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A more detailed description of the amendments can be found in the Board's opinion in Docket R95-22 of December 20, 1995, which is available from the Pollution Control Board at the address below. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5 of the Illinois Administrative Procedure Act (IAPA) shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or second notice review by the Joint Committee on Administrative Rules.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? Yes. The existing text of Part 307 has numerous incorporations by reference throughout various Sections. The present amendments update the incorporations to include the changes in federal amendments that prompted this rulemaking.

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking is mandated by Section 13.3 of the Environmental Protection Act (Act). The stated statewide policy objectives are set forth in Section 11 of the Act. This rule imposes mandates on units of local government to the extent they pretreat industrial waste or operate a publicly owned treatment works required to have a pretreatment program.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R95-22 within 45 days of publication in the *Illinois Register* to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

All comments should be clearly marked with the docket number R95-22. Questions may be directed to Diane O'Neill at the Pollution Control Board at (312) 814-6062.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 28, 1995

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B) Types of small businesses, small municipalities and not for profit corporations affected: Industries disposing of industrial wastewaters into sewage collection systems of publicly owned treatment works. However, the amendments reflect the deletion of obsolete and redundant Sections and will not affect small businesses.

C) Reporting, bookkeeping or other procedures required for compliance: The existing rules require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The present amendments will not change the way in which the existing regulations affect some small businesses.

D) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The present amendments will not change the way in which the existing regulations affect some small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: January 1996.

The full text of the Proposed Amendment begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 307

SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section
307.101
307.102
307.103
307.104
307.105
307.1001
307.1002
307.1003
307.1005

Preamble (Renumbered)
General Requirements (Renumbered)
Mercury (Renumbered)
Cyanide (STORET number 00720) (Renumbered)
Pretreatment Requirements (Repealed)
Preamble
Definitions
Test Procedures for Measurement
Toxic Pollutants

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section
307.1101
307.1102
307.1103

General and Specific Requirements
Mercury
Cyanide

SUBPART F: DAIRY PRODUCTS PROCESSING

Section
307.1501
307.1502
307.1503
307.1504
307.1505
307.1506
307.1507
307.1508
307.1509
307.1510
307.1511
307.1512

Receiving Stations
Fluid Products
Cultured Products
Butter
Cottage Cheese and Cultured Cream Cheese
Natural and Processed Cheese
Fluid Mix for Ice Cream and other Frozen Desserts
Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts
Condensed Milk
Dry Milk
Condensed Whey
Dry Whey

SUBPART G: GRAIN MILLS

Section
307.1601

Corn Wet Milling

POLLUTION CONTROL BOARD

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307.1602 Corn Dry Milling
307.1603 Normal Wheat Flour Milling
307.1604 Bulgur Wheat Flour Milling
307.1605 Normal Rice Milling
307.1606 Parboiled Rice Milling
307.1607 Animal Feed
307.1608 Hot Cereal
307.1609 Ready-to-eat Cereal
307.1610 Wheat Starch and Gluten

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section
307.1700
307.1701
307.1702
307.1703
307.1704
307.1705
307.1706
307.1707
307.1708

General Provisions
Apple Juice
Apple Products
Citrus Products
Frozen Potato Products
Dehydrated Potato Products
Canned and Preserved Fruits
Canned and Preserved Vegetables
Canned and Miscellaneous Specialties

SUBPART I: CANNED AND PRESERVED SEAFOOD

Section
307.1801
307.1815

Farm-raised Catfish
Fish Meal Processing Subcategory

SUBPART J: SUGAR PROCESSING

Section
307.1901
307.1902
307.1903

Beet Sugar Processing
Crystalline Cane Sugar Refining
Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

Section
307.2000
307.2001
307.2002
307.2003
307.2004
307.2005
307.2006
307.2007
307.2008

General Provisions
Wool Scouring
Wool Finishing
Low Water Use Processing
Woven Fabric Finishing
Knit Fabric Finishing
Carpet Finishing
Stock and Yarn Finishing
Nonwoven Manufacturing

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307.2009

Felted Fabric Processing

SUBPART L: CEMENT MANUFACTURING

Section

307.2101 Nonleaching

307.2102 Leaching

307.2103 Materials Storage Piles Runoff

SUBPART M: FEEDLOTS

Section

307.2201 General

307.2202 Ducks

SUBPART N: ELECTROPLATING

Section

307.2300 General Provisions

307.2301 Electroplating of Common Metals

307.2302 Electroplating of Precious Metals

307.2303 Anodizing

307.2304 Coatings

307.2305 Chemical Etching and Milling

307.2306 Electroless Plating

307.2307 Printed Circuit Boards

307.2308

SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

Section

307.2400 General Provisions

307.2401 Rayon Fibers

307.2402 Other Fibers

307.2403 Thermoplastic Resins

307.2404 Thermosetting Resins

307.2405 Commodity Organic Chemicals

307.2406 Bulk Organic Chemicals

307.2407 Specialty Organic Chemicals

307.2410 Indirect Discharge Point Sources

307.2410 Non-complexed Metal-bearing and Cyanide-bearing Wastestreams

307.2490 Complexed Metal-bearing Wastestreams

307.2491

SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section

307.2500 General Provisions

307.2501 Aluminum Chloride Production

307.2502 Aluminum Sulfate Production

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307.2503

Calcium Carbide Production

307.2504 Calcium Chloride Production

307.2505 Calcium Oxide Production

307.2506 Chlor-alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)

307.2508

Hydrofluoric Acid Production

307.2509 Hydrogen Peroxide Production

307.2511 Potassium Metal Production

307.2512 Potassium Dichromate Production

307.2513 Potassium Sulfate Production

307.2514 Sodium Bicarbonate Production

307.2516 Sodium Chloride Production

307.2517 Sodium Dichromate and Sodium Sulfate Production

307.2520 Sodium Sulfite Production

307.2522 Titanium Dioxide Production

307.2523 Aluminum Fluoride Production

307.2524 Ammonium Chloride Production

307.2527 Borax Production

307.2528 Boric Acid Production

307.2529 Bromine Production

307.2530 Calcium Carbonate Production

307.2531 Calcium Hydroxide Production

307.2533 Carbon Monoxide and Byproduct Hydrogen Production

307.2534 Chrome Pigments Production

307.2535 Chromic Acid Production

307.2536 Copper Salts Production

307.2538 Ferric Chloride Production

307.2540 Fluorine Production

307.2541 Hydrogen Production

307.2542 Hydrogen Cyanide Production

307.2543 Iodine Production

307.2544 Lead Monoxide Production

307.2545 Lithium Carbonate Production

307.2547 Nickel Salts Production

307.2549 Oxygen and Nitrogen Production

307.2550 Potassium Chloride Production

307.2551 Potassium Iodide Production

307.2553 Silver Nitrate Production

307.2554 Sodium Bisulfite Production

307.2555 Sodium Fluoride Production

307.2560 Stannic Oxide Production

307.2563 Zinc Sulfate Production

307.2564 Cadmium Pigments and Salts Production

307.2565 Cobalt Salts Production

307.2566 Sodium Chlorate Production

307.2567 Zinc Chloride Production

SUBPART R: SOAP AND DETERGENTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Section	
307.2701	Soap Manufacturing by Batch Kettle
307.2702	Fatty Acid Manufacturing by Fat Splitting
307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps
307.2709	Oleum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacture of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

SUBPART S: FERTILIZER MANUFACTURING

Section	
307.2801	Phosphate
307.2802	Ammonia
307.2803	Urea
307.2804	Ammonium Nitrate
307.2805	Nitric Acid
307.2806	Ammonium Sulfate Production
307.2807	Mixed and Blend Fertilizer Production

SUBPART T: PETROLEUM REFINING

Section	
307.2901	Topping
307.2902	Cracking
307.2903	Petrochemical
307.2904	Lube
307.2905	Integrated

SUBPART U: IRON AND STEEL MANUFACTURING

Section	
307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering
307.3003	Ironmaking

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NOTICE OF PROPOSED AMENDMENT

Section	
307.3004	Steelmaking
307.3005	Vacuum Degassing
307.3006	Continuous Casting
307.3007	Hot Forming
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
307.3011	Alkaline Cleaning
307.3012	Hot Coating
SUBPART V: NONFERROUS METALS MANUFACTURING	
General Provisions	
307.3100	Bauxite Refining
307.3101	Primary Aluminum Smelting
307.3102	Secondary Aluminum Smelting
307.3103	Primary Copper Smelting
307.3104	Primary Electrolytic Copper Refining
307.3105	Secondary Copper
307.3106	Primary Lead
307.3107	Primary Zinc
307.3108	Metallurgical Acid Plants
307.3109	Primary Tungsten
307.3110	Primary Columbium-Tantalum
307.3111	Secondary Silver
307.3112	Secondary Lead
307.3113	Primary Antimony
307.3114	Primary Beryllium
307.3115	Primary and Secondary Germanium and Gallium
307.3116	Secondary Indium
307.3117	Secondary Mercury
307.3118	Primary Molybdenum and Rhenium
307.3119	Secondary Molybdenum and Vanadium
307.3120	Primary Nickel and Cobalt
307.3121	Secondary Nickel
307.3122	Primary Precious Metals and Mercury
307.3123	Secondary Precious Metals
307.3124	Primary Rare Earth Metals
307.3125	Secondary Tantalum
307.3126	Secondary Tin
307.3127	Primary and Secondary Titanium
307.3128	Secondary Tungsten and Cobalt
307.3129	Secondary Uranium
307.3130	Primary Zirconium and Hafnium
307.3131	

SUBPART X: STEAM ELECTRIC POWER GENERATING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Section 307.3301	Steam Electric Power Generating
SUBPART Y: FERROALLOY MANUFACTURING	
Section 307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403	Slag Processing
307.3404	Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3405	Other Calcium Carbide Furnaces
307.3406	Electrolytic Manganese Products
307.3407	Electrolytic Chromium

SUBPART Z: LEATHER TANNING AND FINISHING

Section 307.3500	General Provisions
307.3501	Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502	Hair Save, Chrome Tan, Retan-Wet Finish
307.3503	Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504	Retan-Wet Finish-Sides
307.3505	No Beamhouse
307.3506	Through-the-Blue
307.3507	Shearing
307.3508	Pigskin
307.3509	Retan-Wet Finish-Splits
307.3590	Potassium Ferricyanide Titration Method

SUBPART BA: GLASS MANUFACTURING

Section 307.3601	Insulation Fiberglass
307.3602	Sheet Glass Manufacturing
307.3603	Rolled Glass Manufacturing
307.3604	Plate Glass Manufacturing
307.3605	Float Glass Manufacturing
307.3606	Automotive Glass Tempering
307.3607	Automotive Glass Laminating
307.3608	Glass Container Manufacturing
307.3610	Glass Tubing (Danner) Manufacturing
307.3611	Television Picture Tube Envelope Manufacturing
307.3612	Incandescent Lamp Envelope Manufacturing
307.3613	Hand Pressed and Blown Glass Manufacturing

SUBPART BB: ASBESTOS MANUFACTURING

POLLUTION CONTROL BOARD

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Section 307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
307.3711	Wet Dust Collection
SUBPART BC: RUBBER MANUFACTURING	
Section 307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber
307.3809	Pan, Dry Digestion and Mechanical Reclaimed Rubber
307.3810	Latex-Dipped, Latex-Extruded and Latex-Molded Rubber
307.3811	Latex Foam

SUBPART BD: TIMBER PRODUCTS PROCESSING

Section 307.3900	General Provision
307.3901	Barking
307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving-Water Borne or Nonpressure
307.3907	Wood Preserving-Steam
307.3908	Wood Preserving-Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing
307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) or Without Laundry Facilities

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307.3916 Wood Furniture and Fixture Production with Water Wash Spray Booth(s)
or With Laundry Facilities

SUBPART BE: PULP, PAPER AND PAPERBOARD

Section
307.4000 General Provisions
307.4001 Unbleached Kraft
307.4002 Semi-Chemical
307.4004 Unbleached Kraft-Neutral Sulfite Semi-Chemical (Cross Recovery)
307.4005 Paperboard From Wastepaper
307.4006 Dissolving Kraft
307.4007 Market Bleached Kraft
307.4008 BCT Bleached Kraft
307.4009 Fine Bleached Kraft
307.4010 Papergrade Sulfite (Blow Pit Wash)
307.4011 Dissolving Sulfite Pulp
307.4012 Groundwood-Chemi-Mechanical
307.4013 Groundwood-Thermo-Mechanical
307.4014 Groundwood-CMN Papers
307.4015 Groundwood-Fine Papers
307.4016 Soda
307.4017 Deink
307.4018 Nonintegrated-Fine Papers
307.4019 Nonintegrated-Tissue Papers
307.4020 Tissue From Wastepaper
307.4021 Papergrade Sulfite (Drum Wash)
307.4022 Unbleached Kraft and Semi-Chemical
307.4023 Wastepaper-Molded Products
307.4024 Nonintegrated-Lightweight Papers
307.4025 Nonintegrated-Filter and Nonwoven Papers
307.4026 Nonintegrated-Paperboard

SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

Section
307.4101 Builder's Paper and Roofing Felt

SUBPART BG: MEAT PRODUCTS

Section
307.4201 Simple Slaughterhouse
307.4202 Complex Slaughterhouse
307.4203 Low-Processing Packinghouse
307.4204 High-Processing Packinghouse
307.4205 Small Processor
307.4206 Meat Cutter
307.4207 Sausage and Luncheon Meats Processor

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307.4208 Ham Processor
307.4209 Canned Meats Processor
307.4210 Renderer

SUBPART BH: METAL FINISHING

Section
307.4300 General Provisions
307.4301 Metal Finishing

SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section
307.4900 General Provisions
307.4901 Fermentation Products
307.4902 Extraction Products
307.4903 Chemical Synthesis Products
307.4904 Mixing/Compounding and Formulation
307.4905 Research

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section
307.5301 Asphalt Emulsion
307.5302 Asphalt Concrete
307.5303 Asphalt Roofing
307.5304 Linoleum and Printed Asphalt Felt

SUBPART BU: PAINT FORMULATING

Section
307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

Section
307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section
307.6500 General Provisions
307.6501 Organic Pesticide Chemicals Manufacturing
307.6502 Metallo-Organic Pesticides Chemicals Manufacturing
307.6503 Pesticide Chemicals Formulating and Packaging

SUBPART CG: CARBON BLACK MANUFACTURING

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Section

307.6801 Carbon Black Furnace Process
 307.6802 Carbon Black Thermal Process
 307.6803 Carbon Black Channel Process
 307.6804 Carbon Black Lamp Process

SUBPART CJ: BATTERY MANUFACTURING

Section

307.7100 General Provisions
 307.7101 Cadmium
 307.7102 Calcium
 307.7103 Lead
 307.7104 Leclanche
 307.7105 Lithium
 307.7106 Magnesium
 307.7107 Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section

307.7300 General Provision
 307.7301 Contact Cooling and Heating Water
 307.7302 Cleaning Water
 307.7303 Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section

307.7400 General Provisions
 307.7401 Aluminum Casting
 307.7402 Copper Casting
 307.7403 Ferrous Casting
 307.7404 Zinc Casting

SUBPART CN: COIL COATING

Section

307.7500 General Provisions
 307.7501 Steel Basis Material
 307.7502 Galvanized Basis Material
 307.7503 Aluminum Basis Material
 307.7504 Canmaking

SUBPART CO: PORCELAIN ENAMELING

Section

307.7600 General Provisions

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a)

307.7601

Steel Basis Material
 307.7602 Cast Iron Basis Material
 307.7603 Aluminum Basis Material
 307.7604 Copper Basis Material

SUBPART CP: ALUMINUM FORMING

Section

307.7700 General Provisions
 307.7701 Rolling With Neat Oils
 307.7702 Rolling With Emulsions
 307.7703 Extrusion
 307.7704 Forging
 307.7705 Drawing With Neat Oils
 307.7706 Drawing With Emulsions or Soaps

SUBPART CQ: COPPER FORMING

Section

307.7800 General Provisions
 307.7801 Copper Forming
 307.7802 Beryllium Copper Forming

SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

Section

307.7901 Semiconductor
 307.7902 Electronic Crystals
 307.7903 Cathode Ray Tube
 307.7904 Luminescent Materials

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

Section

307.8100 General Provisions
 307.8101 Lead-Tin-Bismuth Forming
 307.8102 Magnesium Forming
 307.8103 Nickel-Cobalt Forming
 307.8104 Precious Metals Forming
 307.8105 Refractory Metals Forming
 307.8106 Titanium Forming
 307.8107 Uranium Forming
 307.8108 Zinc Forming
 307.8109 Zirconium-Hafnium Forming
 307.8110 Metal Powders

APPENDIX A

References to Previous Rules (Repealed)

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AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in _____ at 20 Ill. Reg. _____, effective _____.

SUBPART F: DAIRY PRODUCTS PROCESSING

Section 307.1502 Fluid Products

- a) Applicability. This Section applies to discharges resulting from the manufacture of market milk (ranging from 3.5% fat to fat-free), flavored milk (chocolate and others) and cream (of various fat concentrations, plain and whipped).
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.21 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 405.24 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 405.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or

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installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1503 Cultured Products

- a) Applicability. This Section applies to discharges resulting from the manufacture of cultured products, including cultured skim milk (cultured buttermilk), yoghurt, sour cream and dips of various types.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.31 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 405.34 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 405.36 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1504 Butter

- a) Applicability. This Section applies to discharges resulting from the manufacture of butter, either by churning or continuous process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.41 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 405.44 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

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- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) Existing sources:

- 1) The Board incorporates by reference 40 CFR 405.46 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1505 Cottage Cheese and Cultured Cream Cheese

- a) Applicability. This Section applies to discharges resulting from the manufacture of cottage cheese and cultured cream cheese.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.51 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 405.54 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 405.56 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 307.1506 Natural and Processed Cheese

- a) Applicability. This Section applies to discharges resulting from the manufacture of natural cheese (hard curd) and processed cheese.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.61 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 405.64 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 405.66 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1507 Fluid Mix for Ice Cream and other Frozen Desserts

- a) Applicability. This Section applies to discharges resulting from the manufacture of fluid mixes for ice cream and other frozen desserts for later freezing in other plants; it does not include freezing of the products as one of the affected operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.71 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 405.74 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

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- 1) The Board incorporates by reference 40 CFR 405.76 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~.
- This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1508 Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts

- a) Applicability. This Section applies to discharges resulting from the manufacture of ice cream, ice milk, sherbet, water ices, stick confections, frozen novelties products, frozen desserts, melorine, pudding and other dairy product base desserts. If fluid mixes prepared at another plant are employed, the appropriate values from Section 307.1507 should be deducted from the limitations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.81 (1994) ~~†1987†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 405.84 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1987†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 405.86 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1987†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 307.1509 Condensed Milk

- a) Applicability. This Section applies to discharges resulting from the manufacture of condensed whole milk, condensed skim milk, sweetened condensed milk and condensed butter milk.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.91 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 405.94 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 405.96 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1510 Dry Milk

- a) Applicability. This Section applies to discharges resulting from the manufacture of dry whole milk, dry skim milk, and dry buttermilk.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.101 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 405.104 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 405.106 (1994), as

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amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~.

This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1511 Condensed Whey

- a) Applicability. This Section applies to discharges resulting from the manufacture of condensed sweet whey and condensed acid whey.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.111 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 405.114 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 405.116 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1512 Dry Whey

- a) Applicability. This Section applies to discharges resulting from the manufacture of sweet or acid dry whey.

- b) Specialized definitions. The Board incorporates by reference 40 CFR

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405.121 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 405.124 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 405.126 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART G: GRAIN MILLS

Section 307.1601 Corn Wet Milling

- a) Applicability. This Section applies to discharges resulting from the process in which shelled corn is steeped in a dilute solution of sulfuric acid and then processed by wet means into such products as animal feed, regular and modified starches, corn oil, corn syrup and dextrose.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.11 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 406.14 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 406.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~.

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- This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1602 Corn Dry Milling

- a) Applicability. This Section applies to discharges resulting from the process in which shelled corn is washed and subsequently milled by dry processes into such products as corn meal, grits, flour, oil and animal feed. This Section does not apply to discharges from subsequent manufacturing operations to produce expanded or extruded feed or feed products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.21 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 406.24 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 406.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1603 Normal Wheat Flour Milling

- a) Applicability. This Section applies to discharges resulting from the process in which wheat is parboiled, dried and partially debraned in the production of bulgur.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.41 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 406.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 4, 1973.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 406.28 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

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- a) Applicability. This Section applies to discharges resulting from the processes in which wheat and other grains are milled by dry processes into flour and millfeed.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.31 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 406.34 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 406.36 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1604 Bulgur Wheat Flour Milling

- a) Applicability. This Section applies to discharges resulting from the process in which wheat is parboiled, dried and partially debraned in the production of bulgur.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.41 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 406.44 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 406.46 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†.

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This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1605 Normal Rice Milling

- a) Applicability. This Section applies to discharges resulting from the process in which rice is cleaned and milled by dry processes.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.51 (1994) (1986). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 406.54 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986).

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 406.56 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986).

This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1606 Parboiled Rice Milling

- a) Applicability. This Section applies to discharges resulting from the process in which rice is cleaned, cooked and dried before being milled.

- b) Specialized definitions. The Board incorporates by reference 40 CFR

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406.61 (1994) (1986). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 406.64 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986).

This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 406.66 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986).

This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1607 Animal Feed

- a) Applicability. This Section applies to discharges resulting from the manufacturing of animal feeds (formula feed concentrate) using primarily grain and grain by-products which may be supplemented by proteins, pharmaceuticals, vitamins or mineral additives.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.71 (1994) (1986). This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 406.76 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986).

This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after September 17, 1974.

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(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1608 Hot Cereal

- a) Applicability. This Section applies to discharges resulting from the production of various breakfast cereals from grains, principally wheat and oats, requiring cooking prior to normal human consumption.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.81 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

- 1) The Board incorporates by reference 40 CFR 406.86 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after September 17, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1609 Ready-to-eat Cereal

- a) Applicability. This Section applies to discharges resulting from the processing of various grains and other materials (whole grain wheat, rice, corn grits, oat flour, sugar and minor ingredients) to produce various breakfast cereals normally available for human consumption without cooking.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.91 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 406.96 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

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- 3) "New source" means any building, structure, facility or installation the construction of which commenced after September 17, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1610 Wheat Starch and Gluten

- a) Applicability. This Section applies to discharges resulting from those industrial operations utilizing wheat flour as a raw material for production of wheat starch and gluten (protein) components through conventional processes of physical separation and subsequent refinement.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.101 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

- 1) The Board incorporates by reference 40 CFR 406.106 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after September 17, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES**Section 307.1701 Apple Juice**

- a) Applicability. This Section applies to discharges resulting from the processing of apples into apple juice or apple cider.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.11 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 407.14 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by

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reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 407.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1702 Apple Products

- a) Applicability. This Section applies to discharges resulting from the processing of apples into apple products. The processing of apples into caustic peeled or dehydrated products is specifically excluded.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.21 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 407.24 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 407.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 307.1703 Citrus Products

- a) Applicability. This Section applies to discharges resulting from the processing of citrus into citrus products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.31 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 407.34 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 407.36 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1704 Frozen Potato Products

- a) Applicability. This Section applies to discharges resulting from the processing of white potatoes into frozen potato products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.41 (1994) ~~†1987†~~. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 407.44 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1987†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 407.46 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1987†~~.

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- This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1705 Dehydrated Potato Products

- a) Applicability. This Section applies to discharges resulting from the processing of white potatoes into dehydrated potato products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.51 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 407.54 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 407.56 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1706 Canned and Preserved Fruits

- a) Applicability. This Section applies to discharges resulting from the processing of the following fruit products: apricots; caneberries; sweet, sour and brined cherries; cranberries; dried fruit; grape juice; canning and pressing; olives; peaches; pears; fresh and processed

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- pickles, and pickle salting stations; pineapples; plums; raisins; strawberries; and tomatoes.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.61 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 407.64 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 407.66 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 21, 1975.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1707 Canned and Preserved Vegetables

- a) Applicability. This Section applies to discharges resulting from the processing of the following vegetable products: beets; broccoli; carrots; canned and frozen corn; dehydrated onions and garlic; dehydrated vegetables; dry beans; lima beans; mushrooms; canned onions; peas; sauerkraut canning and cutting; snap beans; spinach; squash; and canned potatoes.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.71 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 407.74 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

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- 1) The Board incorporates by reference 40 CFR 407.76 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 21, 1975.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1708 Canned and Miscellaneous Specialties

- a) Applicability. This Section applies to discharges resulting from the processing of the following specialty products: added ingredients; baby food; corn, potato and tortilla chips; ethnic foods; jams and jellies; mayonnaise and dressing; soups; and tomato-starch-cheese canned specialties.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.81 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 407.84 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 407.86 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 21, 1975.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART I: CANNED AND PRESERVED SEAFOOD

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Section 307.1801 Farm-raised Catfish

- a) Applicability. This Section applies to discharges resulting from the processing of farm-raised catfish by existing facilities which process more than 1362 kg (3000 lbs) of raw material per day on any day during a calendar year and all new sources.
 - b) Specialized definitions. The Board incorporates by reference 40 CFR 408.11 (1994) †1986†. This incorporation includes no later amendments or editions.
 - c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 408.14 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - d) New sources:
 - 1) The Board incorporates by reference 40 CFR 408.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after February 6, 1974.
- (Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1815 Fish Meal Processing Subcategory

- a) Applicability. This Section applies to discharges resulting from the processing of menhaden on the Gulf and Atlantic Coasts and the processing of anchovy on the West Coast into fish meal, oil and solubles.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 408.151 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 408.154 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such

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standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 408.156 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 30, 1975.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART J: SUGAR PROCESSING

Section 307.1901 Beet Sugar Processing

- a) Applicability. This Section applies to discharges resulting from any operation attendant to the processing of sugar beets for the production of sugar.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 409.11 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 409.14 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 409.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 22, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 307.1902 Crystalline Cane Sugar Refining

- a) Applicability. This Section applies to discharges resulting from the processing of raw cane sugar into crystalline refined sugar.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 409.21 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 409.24 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 409.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.1903 Liquid Cane Sugar Refining

- a) Applicability. This Section applies to discharges resulting from the processing of raw cane sugar into liquid refined sugar.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 409.31 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 409.34 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 409.36 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†.

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This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART L: CEMENT MANUFACTURING

Section 307.2101 Nonleaching

- a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (limestone or other natural sources of calcium carbonate, silica, alumina, and iron together with gypsum) are used in the manufacturing of cement and in which kiln dust is not contacted with water as an integral part of the process and water is not used in wet scrubbers to control kiln stack emissions.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 411.11 (1994) ~~†1987†~~. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 411.14 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1987†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 411.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1987†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 307.2102 Leaching

- a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (limestone or other natural sources of calcium carbonate, silica, alumina, and iron together with gypsum) are used in the manufacturing of cement and in which kiln dust is contacted with water as an integral part of the process or water is used in wet scrubbers to control kiln stack emissions.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 411.21 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 411.24 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 411.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2103 Materials Storage Piles Runoff

- a) Applicability. This Section applies to discharges resulting from the runoff of rainfall which derives from the storage of materials including raw materials, intermediate products, finished products and waste materials which are used in or derived from the manufacture of cement under either Section 307.2101 or 307.2102.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 411.31 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 411.34 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~.

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This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 411.36 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (#9867). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART M: FEEDLOTS

Section 307.2201 General

- a) Applicability. This Section applies to discharges resulting from feedlots in the following subcategories: Beef cattle -- open lots; beef cattle -- housed lots; dairy cattle -- stall barn (with milk room); dairy -- free stall barn (with milking center); dairy -- cowyards (with milking center); swine -- open dirt or pasture lots; swine -- housed, slotted floor; swine -- solid concrete floor, open or housed lot; sheep -- open lots; sheep -- housed lots; horses -- stables (race tracks); chickens -- broilers, housed; chickens -- layers (egg production), housed; chickens -- layer breeding or replacement stock;7 housed; turkeys -- open lots; turkeys -- housed; and for those feedlot operations within these subcategories as large or larger than the capacities given below: 1,000 slaughter steers and heifers; 700 mature dairy cattle (whether milkers or dry cows); 2,500 swine weighing over 55 pounds; 10,000 sheep; 55,000 turkeys; 100,000 laying hens or broilers when facility has unlimited continuous flow watering systems; 30,000 laying hens or broilers when facility has liquid manure handling system; 500 horses; and 1,000 animal units from a combination of slaughter steers and heifers, mature dairy cattle, swine over 55 pounds and sheep.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 412.11 (1994) (#9867). This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 412.14 (1994), as

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amended at 60 Fed. Reg. 33926, effective June 29, 1995 (#9867). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 412.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (#9867). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART R: SOAP AND DETERGENTS

Section 307.2701 Soap Manufacturing by Batch Kettle

- a) Applicability. This Section applies to discharges resulting from operations in which neat soap is produced through saponification of animal and vegetable fats and oils by boiling in kettles.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.11 (1994) (#9867). This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 417.14 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (#9867). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 417.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (#9867). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or

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installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2702 Fatty Acid Manufacturing by Fat Splitting

- a) Applicability. This Section applies to discharges resulting from the splitting of fats to fatty acids by hydrolysis and the subsequent processing of the fatty acids (e.g., refining and hydrogenation) to produce a suitable feed material for manufacture of soap by fatty acid neutralization.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.21 (1994) (1986). This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 417.24 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 417.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2703 Soap Manufacturing by Fatty Acid Neutralization

- a) Applicability. This Section applies to discharges resulting from the manufacturing of neat soap by neutralizing refined fatty acids with an alkaline material in approximately stoichiometric amounts in batch or continuous operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.31 (1994) (1986). This incorporation includes no later amendments or editions.

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c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 417.34 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.36 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2704 Glycerine Concentration

- a) Applicability. This Section applies to discharges resulting from the concentration of sweet water from saponification or fat splitting to approximately 60 to 80 percent crude glycerine content.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.41 (1994) (1986). This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 417.44 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.46 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or

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installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2705 Glycerine Distillation

- a) Applicability. This Section applies to discharges resulting from the production of finished glycerine of various grades (e.g., USP) through concentration from crude glycerine by means of distillation.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.51 (1994) ‡9867. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 417.54 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ‡9867. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.56 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ‡9867. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2706 Manufacture of Soap Flakes and Powders

- a) Applicability. This Section applies to discharges resulting from all operations associated with the manufacture of soap flakes and powders, commencing with the drying of the neat soap to and including packaging of the finished flakes and powders.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.61 (1994) ‡9867. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 417.64 (1994), as

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amended at 60 Fed. Reg. 33926, effective June 29, 1995 ‡9867. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.66 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ‡9867. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2707 Manufacture of Bar Soaps

- a) Applicability. This Section applies to discharges resulting from all operations associated with conversion of neat soap to finished bar soaps, including drying, milling, plodding, stamping and packaging.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.71 (1994) ‡9867. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 417.74 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ‡9867. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.76 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ‡9867. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

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(Source: Amended at 20 Ill. Reg. _____, effective _____.)

Section 307.2708 Manufacture of Liquid Soaps

a) Applicability. This Section applies to discharges resulting from blending of ingredients employed in the manufacture of liquid soaps and the packaging of the finished products.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.81 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 417.84 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.86 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

Section 307.2709 Oleum Sulfonation and Sulfation

a) Applicability. This Section applies to discharges resulting from the manufacture of sulfonic acid and sulfuric acid esters by means of sulfonation and sulfation of raw materials, including but not limited to petroleum derived alkyls, employing oleum in either continuous or batch processes.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.91 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 417.94 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

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2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.96 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

Section 307.2710 Air-Sulfur Trioxide Sulfation and Sulfonation

a) Applicability. This Section applies to discharges resulting from the manufacture of sulfonic acid and sulfuric acid esters by means of sulfation and sulfonation employing air and sulfur trioxide in either continuous or batch processes.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.101 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 417.104 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.106 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

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(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2711 Sulfur Trioxide Solvent and Vacuum Sulfonation

- a) Applicability. This Section applies to discharges resulting from the operations in which undiluted sulfur trioxide and organic reactant are fed through a mixing nozzle into a vacuum reactor where the sulfonation of the organic reactant takes place.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.111 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 417.114 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.116 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2712 Sulfamic Acid Sulfation

- a) Applicability. This Section applies to discharges resulting from operations in which sulfamic acid is employed as the sulfating agent.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.121 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 417.124 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the

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discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.126 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2713 Chlorosulfonic Acid Sulfation

- a) Applicability. This Section applies to discharges resulting from sulfation of alcohols, alkylphenols and alcohol ethoxylates utilizing chlorosulfonic acid as the sulfating agent.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.131 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 417.134 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.136 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 307.2714 Neutralization of Sulfuric Acid Esters and Sulfonic Acids

- a) Applicability. This Section applies to discharges resulting from the continuous or batch neutralization of sulfated and sulfonated alkylbenzenes, alcohols and other materials to convert them to neutral salts.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.141 (1994) †9867. This incorporation includes no later amendments or editions.
- c) Existing sources:

1) The Board incorporates by reference 40 CFR 417.144 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †9867. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.146 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †9867. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2715 Manufacture of Spray Dried Detergents

a) Applicability. This Section applies to discharges resulting from all operations associated with the manufacture of spray dried detergents, including but not limited to assembly and storage of raw materials, crutching, spray drying, blending (including tumble spraying or additives) and packaging.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.151 (1994) †9867. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.156 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †9867. This incorporation includes no later amendments or editions.

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2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2716 Manufacture of Liquid Detergents

a) Applicability. This Section applies to discharges resulting from all operations associated with the manufacture of liquid detergents, commencing with the blending of ingredients, to and including bottling or packaging finished products.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.161 (1994) †9867. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.166 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †9867. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2717 Manufacturing of Detergents by Dry Blending

a) Applicability. This Section applies to discharges resulting from operations associated with the manufacture of detergents by means of the blending of dry ingredients, including, but not limited to, blending and subsequent packaging.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.171 (1994) †9867. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

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d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.176 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1996).
- This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2718 Manufacture of Drum Dried Detergents

- a) Applicability. This Section applies to discharges resulting from operations associated with the manufacture of detergents by drum drying, including, but not limited to, drying of formulations on heated drums or rollers, conversion of dried detergents to powders or flakes and packaging of finished products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.181 (1994) (1996). This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.186 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1996). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.2719 Manufacture of Detergent Bars and Cakes

- a) Applicability. This Section applies to discharges resulting from operations associated with the manufacture of detergent bars and cakes, including, but not limited to, drying, milling, plodding, stamping and packaging.

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- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.191 (1994) (1996). This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 417.194 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1996).
 - This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.196 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1996). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART Y: FERROALLOY MANUFACTURING

Section 307.3401 Open Electric Furnaces With Wet Air Pollution Control Devices

- a) Applicability. This Section applies to discharges resulting from the smelting of ferroalloys in open electric furnaces with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration that the furnace off-gases are burned above the furnace charge level by air drawn into the system. After combustion the gases are cleaned in a wet air pollution control device, such as a scrubber, an electrostatic precipitator with water or other aqueous sprays, etc. The provisions of the Section are not applicable to noncontact cooling water or to those electric furnaces which are covered, closed, sealed or semi-covered and in which the furnace off-gases are not burned prior to collection (regulated in Section 301.3402).
- b) Specialized definitions. The Board incorporates by reference 40 CFR 424.11 (1994) (1996). This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

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- 1) The Board incorporates by reference 40 CFR 424.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~424.15~~ ~~(1996)~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 18, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3402 Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices

- a) Applicability. This Section applies to discharges resulting from the smelting of ferroalloys in covered electric furnaces or other smelting operations, not elsewhere included in this Subpart, with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration (known as covered, closed, sealed, semi-covered or semi-closed furnaces) that the furnace off-gases are not burned prior to collection and cleaning, and which off-gases are cleaned after collection in a wet air pollution control device such as a scrubber, "wet" baghouse, etc. This subcategory also includes those non-electric furnace smelting operations, such as exothermic (i.e., aluminothermic or silicothermic) smelting, ferromanganese refining, etc., where these are controlled for air pollution by wet air pollution control devices. This subcategory does not include noncontact cooling water or those furnaces which utilize dry dust collection techniques, such as dry baghouses.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 424.21 (1994) ~~(1986)~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 424.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~(1986)~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October

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18, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3403 Slag Processing

- a) Applicability. This Section applies to discharges resulting from slag processing in which:
 - 1) The residual metal values in the furnace slag are recovered via concentration for return to the furnace; or
 - 2) The slag is "shot" for further use.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 424.31 (1994) ~~(1986)~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 424.36 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~(1986)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 18, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART BA: GLASS MANUFACTURING

Section 307.3601 Insulation Fiberglass

- a) Applicability. This Section applies to discharges resulting from the production of insulation fiberglass in which molten glass is either directly or indirectly made, continuously fiberized and chemically bonded into a wool-like material.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.11 (1994) ~~(1986)~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 426.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~(1986)~~.

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This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 22, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3602 Sheet Glass Manufacturing

- a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet and other ingredients) are mixed, melted in a furnace, and drawn vertically from a melting tank to form sheet glass.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.21 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 426.24 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 426.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3603 Rolled Glass Manufacturing

- a) Applicability. This Section applies to discharges resulting from the

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process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet and other ingredients) are mixed, melted in a furnace and cooled by rollers to form rolled glass.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.31 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 426.34 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 426.36 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3604 Plate Glass Manufacturing

- a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet and other ingredients) are melted in a furnace, pressed between rollers and finally ground and polished to form plate glass.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.41 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 426.44 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

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- 1) The Board incorporates by reference 40 CFR 426.46 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 426-45 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3605 Float Glass Manufacturing

- a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet and other ingredients) are mixed, melted in a furnace and floated on a molten tin bath to produce float glass.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.51 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 426.56 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 426-55 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3606 Automotive Glass Tempering

- a) Applicability. This Section applies to discharges resulting from the processes in which glass is cut and then passed through a series of processes that grind and polish the edges, bend the glass and then temper the glass to produce side and back windows for automobiles.

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- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.61 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 426.41 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 426.66 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3607 Automotive Glass Laminating

- a) Applicability. This Section applies to discharges resulting from the processes which laminate a plastic sheet between two layers of glass, or which prepare the glass for lamination such as cutting, bending and washing, to produce automobile windshields.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.71 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 426.76 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 17, 1973.

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(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3608 Glass Container Manufacturing

- a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and mechanically processed into glass containers.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.81 (1994) ‡19867. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

1) The Board incorporates by reference 40 CFR 426.86 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ‡19867. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3610 Glass Tubing (Danner) Manufacturing

- a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and glass tubing mechanically drawn from the furnace horizontally by means of the Danner process, which requires the intermittent quenching of cullet.

b) Specialized definitions. The Board incorporates by reference 40 CFR 426.101 (1994) ‡19867. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 426.106 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ‡19867. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

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3) "New source" means any building, structure, facility or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3611 Television Picture Tube Envelope Manufacturing

- a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and processed into television picture tube envelopes.

b) Specialized definitions. The Board incorporates by reference 40 CFR 426.111 (1994) ‡19867. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 426.116 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ‡19867. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3612 Incandescent Lamp Envelope Manufacturing

- a) Applicability. This Section applies to discharges resulting from the processes by which:

1) Raw materials are melted in a furnace and mechanically processed into incandescent lamp envelopes; or

2) Incandescent lamp envelopes are etched with hydrofluoric acid to produce frosted envelopes.

b) Specialized definitions. The Board incorporates by reference 40 CFR 426.121 (1994) ‡19867. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 426.126 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ‡19867.

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This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3613 Hand Pressed and Blown Glass Manufacturing

- a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and processed by hand into pressed or blown glassware. This includes those plants which:

- 1) Produce leaded glass and employ hydrofluoric acid finishing techniques;
- 2) Produce non-leaded glass and employ hydrofluoric acid finishing techniques; or
- 3) Produce leaded or non-leaded glass and do not employ hydrofluoric acid finishing techniques.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.131 (1994) (1986). This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 426.136 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART BB: ASBESTOS MANUFACTURING

Section 307.3701 Asbestos-Cement Pipe

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- a) Applicability. This Section applies to discharges resulting from the process in which asbestos, Portland cement, silica and other ingredients are used in the manufacturing of asbestos-cement pipe. Specialized definitions. The Board incorporates by reference 40 CFR 427.11 (1994) (1986). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.14 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3702 Asbestos-Cement Sheet

- a) Applicability. This Section applies to discharges resulting from the process in which asbestos, Portland cement, silica and other ingredients are used in the manufacturing of asbestos-cement sheets. Discharges resulting from manufacture of asbestos-cement sheet laboratory tops are specifically excluded from the provisions of this Section.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.21 (1994) (1986). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.24 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

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d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3703 Asbestos Paper (Starch Binder)

a) Applicability. This Section applies to discharges resulting from the process in which asbestos, starch binders and other ingredients are used in the manufacture of asbestos paper (starch binder).

b) Specialized definitions. The Board incorporates by reference 40 CFR 427.31 (1994) (1986). This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.34 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.36 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3704 Asbestos Paper (Elastomeric Binder)

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a) Applicability. This Section applies to discharges resulting from the process in which asbestos, elastomeric binder and other ingredients are used in the manufacture of asbestos paper (elastomeric binder).

b) Specialized definitions. The Board incorporates by reference 40 CFR 427.41 (1994) (1986). This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.44 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.46 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3705 Asbestos Millboard

a) Applicability. This Section applies to discharges resulting from the process in which asbestos in combination with various other materials such as cement, starch, clay, lime and mineral wool are used in the manufacture of asbestos millboard.

b) Specialized definitions. The Board incorporates by reference 40 CFR 427.51 (1994) (1986). This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.54 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.56 (1994), as

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amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3706 Asbestos Roofing

- a) Applicability. This Section applies to discharges resulting from the process in which asbestos paper is saturated with asphalt or coal tar with the subsequent application of various surface treatments to produce asbestos roofing products.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.61 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.64 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.66 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3707 Asbestos Floor Tile

- a) Applicability. This Section applies to discharges resulting from the

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process in which asbestos, polyvinyl chloride resin, chemical stabilizers, limestone and other fillers are used in the manufacture of asbestos floor tile.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.71 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.74 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.76 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3708 Coating or Finishing of Asbestos Textiles

- a) Applicability. This Section applies to discharges resulting from the process of coating or impregnating asbestos textiles with materials which impart specific desired qualities to the finished product.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.81 (1994) †1986†. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:
- 1) The Board incorporates by reference 40 CFR 427.86 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or

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installation the construction of which commenced after August 29, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3709 Solvent Recovery

- a) Applicability. This Section applies to discharges resulting from the process of solvent recovery in the manufacture of asbestos products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.91 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 427.96 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3710 Vapor Absorption

- a) Applicability. This Section applies to discharges resulting from the removal of volatilized organic materials from atmospheric emissions by means of wet scrubbers.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.101 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 427.106 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

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- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3711 Wet Dust Collection

- a) Applicability. This Section applies to discharges resulting from the removal of dust (particulates) from atmospheric emissions by means of wet scrubbers.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.111 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 427.116 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART BC: RUBBER MANUFACTURING

Section 307.3801 Tire and Inner Tube Plants

- a) Applicability. This Section applies to discharges resulting from the production of pneumatic tires and inner tubes in tire and inner tube plants.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.11 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 428.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

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- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3804 Latex Rubber

- a) Applicability. This Section applies to discharges resulting from the manufacture of latex rubber.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.41 (1994) (1996). This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

1) The Board incorporates by reference 40 CFR 428.46 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1996).

This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3805 Small-Sized General Molded, Extruded and Fabricated Rubber Plants

- a) Applicability. This Section applies to discharges resulting from the production of molded, extruded or fabricated rubber products, foam rubber backing, rubber cement-dipped goods or retreaded tires by small-sized plants. Specifically excluded from this Section are discharges resulting from the production of latex-based products, tires and inner tubes, and those discharges from textile plants subject to Subpart K.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.51 (1994) (1996). This incorporation includes no later amendments or editions.

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- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

1) The Board incorporates by reference 40 CFR 428.56 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1996).

This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3806 Medium-Sized General Molded, Extruded and Fabricated Rubber Plants

- a) Applicability. This Section applies to discharges resulting from the production of molded, extruded or fabricated rubber products, foam rubber backing, rubber cement-dipped goods or retreaded tires by medium-sized plants. Specifically excluded from this Section are discharges resulting from the production of latex-based products, tires and inner tubes, and discharges from textile plants subject to the provisions of Subpart K.

b) Specialized definitions. The Board incorporates by reference 40 CFR 428.61 (1994) (1996). This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

1) The Board incorporates by reference 40 CFR 428.66 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1996).

This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3807 Large-Sized General Molded, Extruded, and Fabricated Rubber

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Plants

- a) Applicability. This Section applies to discharges resulting from the production of molded, extruded or fabricated rubber products, foam rubber backing, rubber cement-dipped goods or retreaded tires by large-sized plants. Specifically excluded from this Section are discharges resulting from the production of latex-based products, tires and inner tubes, and discharges from textile plants subject to Subpart K.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.71 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 428.76 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3808 Wet Digestion Reclaimed Rubber

- a) Applicability. This Section applies to discharges resulting from the production of reclaimed rubber by use of the wet digestion process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.81 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 428.86 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December

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18, 1979.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3809 Pan, Dry Digestion and Mechanical Reclaimed Rubber

- a) Applicability. This Section applies to discharges resulting from the production of reclaimed rubber except when produced by the wet digestion process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.91 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 428.96 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3810 Latex-Dipped, Latex-Extruded and Latex-Molded Rubber

- a) Applicability. This Section applies to discharges resulting from the manufacture of latex-dipped, latex-extruded or latex-molded products with the exception of discharges from textile plants subject to Subpart K.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.101 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 428.106 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such

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standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.3811 Latex Foam

- a) Applicability. This Section applies to discharges resulting from the manufacture of latex foam except for discharges from textile plants subject to Subpart K.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.111 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 428.116 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART BG: MEAT PRODUCTS

Section 307.4201 Simple Slaughterhouse

- a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses, in whole or part, by simple slaughterhouses.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.11 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 432.14 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by

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reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 432.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.4202 Complex Slaughterhouse

- a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses, in whole or part, by complex slaughterhouses.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.21 (1994) †1986†. This incorporation includes no later amendments or editions.

- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 432.24 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 432.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 307.4203 Low-Processing Packinghouse

- a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses in whole or part, by low-processing packinghouses.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.31 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 432.34 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 432.36 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.4204 High-Processing Packinghouse

- a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses, in whole or part, by high-processing packinghouses.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.41 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 432.44 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

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- 1) The Board incorporates by reference 40 CFR 432.46 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.4205 Small Processor

- a) Applicability. This Section applies to discharges resulting from the production of finished meat products such as fresh meat cuts, smoked products, canned products, hams, sausages, luncheon meats or similar products by a small processor.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.51 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

- 1) The Board incorporates by reference 40 CFR 432.56 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.4206 Meat Cutter

- a) Applicability. This Section applies to discharges resulting from the fabrication or manufacture of fresh meat cuts such as steaks, roasts, chops, etc. by a meat cutter.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.61 (1994) †1986†. This incorporation includes no later amendments or editions.

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- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

1) The Board incorporates by reference 40 CFR 432.66 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~.

This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.4207 Sausage and Luncheon Meats Processor

- a) Applicability. This Section applies to discharges resulting from the manufacture of fresh meat cuts, sausage, bologna and other luncheon meats by a sausage and luncheon meat processor.

b) Specialized definitions. The Board incorporates by reference 40 CFR 432.71 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 432.76 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~.

This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.4208 Ham Processor

- a) Applicability. This Section applies to discharges resulting from the manufacture of hams alone or in combination with other finished products by a ham processor.

b) Specialized definitions. The Board incorporates by reference 40 CFR

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- 432.81 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 432.86 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~.

This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.4209 Canned Meats Processor

- a) Applicability. This Section applies to discharges resulting from the manufacture of canned meats, alone or in combination with any other finished products, by a canned meats processor.

b) Specialized definitions. The Board incorporates by reference 40 CFR 432.91 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 432.96 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 ~~†1986†~~.

This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.4210 Renderer

- a) Applicability. This Section applies to discharges resulting from the manufacture of meat meal, dried animal by-product residues (tankage),

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animal oils, grease and tallow, perhaps including hide curing, by a renderer.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.101 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

1) The Board incorporates by reference 40 CFR 432.106 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section 307.5301 Asphalt Emulsion

a) Applicability. This Section applies to discharges resulting from the production of asphalt paving and roofing emulsions.

b) Specialized definitions. The Board incorporates by reference 40 CFR 443.11 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 443.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 307.5302 Asphalt Concrete

a) Applicability. This Section applies to discharges resulting from the production of asphalt concrete.

b) Specialized definitions. The Board incorporates by reference 40 CFR 443.21 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 443.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.5303 Asphalt Roofing

a) Applicability. This Section applies to discharges resulting from the production of asphalt roofing materials.

b) Specialized definitions. The Board incorporates by reference 40 CFR 443.31 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 443.36 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 307.5304 Linoleum and Printed Asphalt Felt

- a) Applicability. This Section applies to discharges resulting from the production of linoleum and printed asphalt felt floor coverings.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 443.41 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

1) The Board incorporates by reference 40 CFR 443.46 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART BU: PAINT FORMULATING

Section 307.5601 Oil-Base Solvent Wash Paint

- a) Applicability. This Section applies to discharges resulting from the production of oil-base paint where the tank cleaning is performed using solvents.

b) Specialized definitions. The Board incorporates by reference 40 CFR 446.11 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 446.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after February 26, 1975.

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(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART BV: INK FORMULATING

Section 307.5701 Oil-Base Solvent Wash Ink

a) Applicability. This Section applies to discharges resulting from the production of oil-base ink where the tank washing system uses solvents.

b) Specialized definitions. The Board incorporates by reference 40 CFR 447.11 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 447.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after February 26, 1975.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART CG: CARBON BLACK MANUFACTURING

Section 307.6801 Carbon Black Furnace Process

a) Applicability. This Section applies to discharges resulting from production of carbon black by the furnace process.

b) Specialized definitions. The Board incorporates by reference 40 CFR 458.11 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 458.16 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such

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standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.6802 Carbon Black Thermal Process

- a) Applicability. This Section applies to discharges resulting from the production of carbon black by the thermal process.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 458.21 (1994) (1996). This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 458.26 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1996). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.6803 Carbon Black Channel Process

- a) Applicability. This Section applies to discharges resulting from the production of carbon black by the channel process.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 458.31 (1994) (1996). This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 458.36 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1996). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such

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standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 307.6804 Carbon Black Lamp Process

- a) Applicability. This Section applies to discharges resulting from the production of carbon black by the lamp process.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 458.41 (1994) (1996). This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 458.46 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1996). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Illinois Physical Therapy Act

2) Code Citation: 68 Ill. Adm. Code 1340

3) Section Numbers: Proposed Action:

1340.15	Repealed
1340.20	Amendment
1340.30	Amendment
1340.40	Amendment
1340.50	Amendment
1340.60	Amendment

4) Statutory Authority: The Illinois Physical Therapy Act [225 ILCS 90]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the rules for the Illinois Physical Therapy Act to bring them up to date with the sunset rewrite of the Act, which became effective January 1, 1996.

Section 1340.20, pertaining to Approved Programs, is amended to provide for approval of a licensure applicant's physical therapy curriculum rather than approving the programs of individual schools. When determining approval of an applicant's curriculum in physical therapy or a physical therapist assistant program, the Department will consider accreditation by the Commission on Accreditation in Physical Therapy Education rather than the American Physical Therapy Association. Upon the effective date of these amendments, all programs approved by the Department will no longer be considered approved. Applicants will have their curriculum reviewed on an individual bases.

Language is added to Section 1340.30, setting forth requirements for licensure of applicants who are graduates of physical therapy or physical therapy assistant programs outside the United States or its territories, including those whose first language is not English.

The Restoration Section is amended to require an applicant whose license has lapsed 6 to 10 years to take 160 contact hours of clinical training under the supervision of a licensed physical therapist or 20 hours of continuing education relating to the clinical aspects of physical therapy or any combination thereof approved by the Physical Therapy Licensing and Disciplinary Committee. Current requirements are 80 contact hours or 10 hours of continuing education.

An applicant whose license has lapsed for 10 years or more will be required to take 320 contact hours of clinical training or 40 hours of continuing education. Current requirements are 160 contact hours and 20 hours of continuing education.

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The Grandfather Section of the rules is repealed because the grandfather period for licensure has expired.

6) Will these Proposed Amendments replace an emergency Rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800
Fax #: 217/782-7645

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses employing physical therapists and physical therapy assistants, and physical therapy education providers.

B) Reporting, bookkeeping or other procedures required for compliance: Graduates of a physical therapy or physical therapy assistant program outside the United States or its territories shall have their degree validated, by a credentialing agency at the applicant's expense, as equivalent to a physical therapy degree conferred by a regionally accredited college or university in the United States.

C) Types of professional skills necessary for compliance: Skills in physical therapy are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

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The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1340

ILLINOIS PHYSICAL THERAPY ACT

Section	Application for Licensure Under Section 8.1 of the Act (Grandfather)
1340.15	(Repealed)
1340.20	Approved Curriculum Programs
1340.30	Application for Licensure on the Basis of Examination
1340.40	Examination
1340.50	Endorsement
1340.55	Renewals
1340.60	Restoration
1340.65	Unprofessional Conduct
1340.66	Advertising
1340.70	Granting Variances

AUTHORITY: Implementing the Illinois Physical Therapy Act [225 ILCS 90] and authorized by Section 60(7) of the Civil Administrative Code of Illinois. [20 ILCS 2105/60(7)].

SOURCE: Adopted at 5 Ill. Reg. 6500, effective June 3, 1981; codified at 5 Ill. Reg. 11048; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 9 Ill. Reg. 1906, effective January 28, 1985; recodified from Chapter I, 68 Ill. Adm. Code 340 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1340 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2959; amended at 12 Ill. Reg. 9030, effective April 25, 1988; amended at 15 Ill. Reg. 5254, effective March 29, 1991; emergency amendment at 15 Ill. Reg. 11503, effective July 30, 1991, for a maximum of 150 days; emergency expired December 27, 1991; amended at 16 Ill. Reg. 3175, effective February 18, 1992; amended at 17 Ill. Reg. 14606, effective August 27, 1993; amended at 20 Ill. Reg. _____, effective _____.

Section 1340.15 Application for Licensure Under Section 8.1 of the Act (Grandfather) (Repealed)

Any person seeking licensure as a physical therapist assistant under Section 8.1 of the Illinois Physical Therapy Act (the Act) (P.A. 86-1396) effective July 17, 1991, shall file an application with the Department of Professional Regulation (the Department) on forms provided by the Department. Such application shall be postmarked no later than midnight December 31, 1991, and shall include the following:

- a) Education/Experience
- b) Certification of graduation from an approved 2-year college-level

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physical-therapist-assistant-program-on-or-before-July-1-1991;
or

- 2) Verification--on-forms-provided-by-the-Department-of-at-least-2 years-of-experience-completed-on-or-before-July-1-1991--as-a physical-therapist-assistant-under-the-direct-supervision-of-a licensed-physical-therapist-and-certification-of-a-satisfactory grade--on-a-proficiency-examination-conducted--approved--or sponsored-by-the-U-S-Public-Health-Service--Parkland-Building 5600-Fisher-Bene-Rockville-Md--20057--prior-to-January-1-1978--

- b) A-complete-work-history;
c) The-required-fee-specified-in-Section-32(f)-of-the-Act;
d) Certification--on-forms-provided-by-the-Department--from-the-state-or territory-of-the-United-States-in-which-an-applicant--was--originally licensed--and-the-state-in-which-the-applicant--predominantly--practices and-is-currently-licensed--if-applicable--stating:
1) The--time--during--which--the--applicant--was--licensed--in--that jurisdiction--including-the-date-of-the-original-issuance-of--the license;
2) A-description-of-the-examination-in-that-jurisdiction;
3) Whether--the--fee--on--the--applicant--contains--any--record--of disciplinary-actions-taken-or-pending

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

Section 1340.20 Approved Curriculum Programs

- a) The Department shall, upon the recommendation of the Physical Therapy Licensing and Disciplinary Committee (the "Committee"), approve an applicant's a physical therapy curriculum program if it meets the following minimum criteria:

- 1) The school from which the applicant was graduated:
A) Is ~~is~~ legally recognized and authorized by the jurisdiction in which it is located to confer a physical therapy degree;
2)B) Has a faculty that ~~which--is--comprised--of~~ comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions;
C) Admits only students who have completed a minimum of 60 semester hours or its equivalent of college level courses; and

- D) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

2)3) The applicant's curriculum ~~Has--an-integrated-curriculum-plan~~ which includes at least the following subject areas in

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professional education (57-61 semester hours required):

- A) Basic Health Sciences

- i) Anatomy
ii) Physiology
iii) Pathology
iv) Kinesiology
v) Neurology
vi) Psychology

- B) Clinical Sciences to include, but not limited to the major areas of:

- i) Medicine
ii) Surgery
iii) Physical therapy theory and application including therapeutic exercise, evaluation procedures physical agents, mechanical modalities, electrotherapy, massage, orthotics and prosthetics, and professional issues

- C) Clinical Education - a minimum of 800 clock hours.

- 4) Admits--only--students-who-have-completed-a-minimum-of-sixty-(60) semester-hours-or-its-equivalent-of-college-level-courses-

- 5) Maintains--permanent--student--records--that--summarize--the credentials--for--admission--attendance--grades--and--other--records of--performance-

- b) The Department shall, upon the recommendation of the Committee, approve an applicant's a physical therapist assistant program curriculum if it meets the following minimum criteria:

- 1) The school from which the applicant was graduated:

- A) Is ~~is~~ legally recognized and authorized by the jurisdiction in which it is located to offer a 2 year physical therapist assistant curriculum; program-

- 2)B) Has a faculty that ~~comprises~~ ~~which--is--comprised--of~~ a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions;
C) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

- 2)3) The applicant's curriculum ~~Has--an-integrated-curriculum-plan~~ which includes at least the following subject areas in professional education (29-31 semester hours required):

- A) Basic Health Sciences

- i) Anatomy and physiology
ii) Pathology
iii) Psychology
iv) Kinesiology

- B) Clinical Sciences to include, but not be limited to, the

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major areas of:

- i) Medicine and surgery
- ii) Physical therapist assistant theory and application, including gross evaluation techniques, physical agents, mechanical modalities, therapeutic exercise, electrotherapy, massage, and professional issues.

C) Clinical Education - a minimum of 600 clock hours.

- 4) Maintains--permanents---student---records---that---summarize---the credentials for admission--attendance--grades--and--other--records of performance.

- c) In determining whether an applicant's curriculum a program should be approved, the Department shall take into consideration but not be bound by accreditation of the applicant's school by the Commission on Accreditation in Physical Therapy Education American-Physical-Therapy Association-(APTA).

- d) Recommendation of Approval

- 1) The Department, upon the recommendation of the Committee, has determined that the curricula of all physical therapy and physical therapist assistant programs accredited by the Commission on Accreditation in Physical Therapy Education as of January 1, 1996, APPTA-as-of--July--17--19917 meet the minimum criteria set forth in subsections (a) and (b) above and are, therefore, approved.

- 2) In the event of a decision by the above accrediting body to suspend, withdraw or revoke accreditation of any physical therapy or physical therapist assistant program, the Committee shall proceed to evaluate the curriculum program and either approve or disapprove it in accordance with subsections (a) and (b) above.

- e) A graduate of a physical therapy or physical therapy assistant program outside the United States or its territories shall have his/her degree validated, by a credentialing agency at the applicant's expense, as equivalent to a physical therapy degree conferred by a regionally accredited college or university in the United States.

- f) An individual who is deficient in course work may complete the required course(s) at a regionally accredited college or university. The individual will be required to submit a transcript from the program indicating successful completion of the course and a course description.

- g) Upon the effective date of these amendments, all programs previously approved by the Department will no longer be considered approved. Applicants will have their curriculum reviewed on an individual basis as set forth in this Section.

- e) In addition to the approved programs referred to in subsection--(d) (ii) above--the Department--upon--recommendation--of--the--Committee--has determined it appropriate that--each--physical--therapy--and--physical therapist--assistant--program--from--which--graduates--have--been--issued licensure in Illinois since July--17--19917--be--deemed--an--approved program--for--purposes--of--meeting--the--minimum--criteria--set--forth--in

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- subsections--(a) and--(b) above--retrospectively--and--until--such--time--as the--Department--upon--the--recommendation--of--the--Committee--determines that--the--program--should--be--disapproved.

- 5) Reevaluation of a Disapproved Program

- i) Any program disapproved for failure to satisfy the minimum requirements for subsections--(a) and--(b) may be reevaluated at the discretion of the Department for good cause shown--in determining the existence of good cause the Department shall consider whether incorrect or insufficient information was provided during the original evaluation--if the program was disapproved based on the fact that the Department has not received sufficient information concerning the program it shall be reevaluated upon the request of any applicant who can present evidence that sufficient information for evaluation is now available--the Committee shall evaluate the submitted materials and make a recommendation to the Director for approval or disapproval of the program--the Director shall accept or reject the recommendation of the Committee--Should the Director reject the recommendation of the Committee--the Committee shall be notified of such rejection--the Department shall notify the applicant in writing of the approval or disapproval of the program

- 2) The applicant at whose behest a reevaluation is conducted shall be required to submit such documentation as is necessary to substantiate that program's assertions--In addition--the Committee may request clarification or amplification of any documentation so submitted when additional clarification will aid in the reevaluation decision--Unless the Committee at its discretion grants an extension of time on its own motion or at the request of the applicant an extension of time will be granted when such an extension is necessary in order to effect a fair equitable and complete reevaluation--it shall no later than six months from the date of the request for reevaluation either approve the program disapprove the program for failure to satisfy the minimum requirements of subsection--(a) or--(b) or disapprove the program based on the fact that the Committee has not received sufficient information concerning the program

- 3) Any applicant for licensure whose application was complete on or prior to the determination by the Department that a previously approved program be disapproved will be issued a license provided he/she is otherwise qualified.

- 9) Reevaluation of An Approved Program

- i) Any programs that have been approved by the Committee under subsections--(a) or--(b) shall be reevaluated at least once every 10 years.

- 2) Notwithstanding any other provision of this Section--the Committee may reevaluate any approved program of physical therapy education at any time if it has reason to believe that the

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program--has--failed--to--continue--to--satisfy--the--minimum requirements--of--subsections--(a)--and--(b)--or--that--its--decision--was based--upon--false--deceptive--or--incomplete--information.

3† If the Committee has reason to believe there has been any fraud or dishonesty in the furnishing of any documentation for the evaluation of a program, it shall refer such matter to the appropriate department personnel for any disciplinary action which might be appropriate under the Act.

4† A physical therapy program whose approval is being reevaluated by the Department shall be given at least 15 days written notice prior to any recommendation by the Committee and may either submit written comments or request a hearing before the Committee in accordance with 68 Ill. Adm. Code 110.

h† The Committee shall authorize the publication of a list of all programs approved or disapproved. Such lists shall be provided to any person or organization making written request.

i† An applicant from a physical therapy or physical therapy assistant program that has not been evaluated shall be requested by the Department to provide documentation concerning the criteria of this Section.

2† Once the Department has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Department will evaluate the program based on all documentation received from the school and any additional information the Department has received which it deems to be reliable.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1340.30 Application for Licensure on the Basis of Examination

a) An applicant for a physical therapist license by examination shall file an application on forms supplied by the Department at least 60 days prior to an examination date. The application shall include:

1) A complete work history indicating all employment since graduation from a physical therapy program;

2) Certification of successful completion of at least 60 semester hours or its equivalent, with courses in the biological, physical and social sciences at an accredited college or university;

3) Either:

A) Certification of successful completion of a physical therapy program, signed by the Director of the Physical Therapy Program or other authorized university official and bearing the seal of the university, which meets the requirements set forth in Section 1340.20 of this Part; or

B) Certification that the applicant is a full-time student in

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the final term of a an--approved physical therapy program with a curriculum that meets the requirements set forth in Section 1340.20 of this Part. This certification must be signed by the director or registrar of the applicant's physical therapy program (certification of graduation shall be received by the Department prior to the applicant's being issued a license); and

4) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 and the Test of Spoken English (TSE) with a score of 50 for applicants who apply after January 1, 1996, who graduated from a physical therapy program outside the United States or its territories and whose first language is not English. In order to determine countries whose first language is English, the applicant shall submit verification from the school that the physical therapy program is taught in English; and

5) 4† The required fee specified in Section 32(1) and (2) of the Act. An applicant for a physical therapist assistant license by examination shall file an application on forms supplied by the Department at least 60 days prior to an examination date. The application shall include:

1) A complete work history indicating all employment since graduation from a physical therapist assistant program;

2) Either:
A) Certification of graduation from an--approved 2 year college-level physical therapist assistant program signed by the director of the Physical Therapy Program or other authorized school official and bearing the seal of the school which meets the requirements set forth in Section 1340.20 of this Part; or

B) Certification that the applicant is a full-time student in his/her final term of an--approved 2 year college-level physical therapist assistant program with a curriculum that meets the requirements set forth in Section 1340.20 of this Part (certification of graduation shall be received by the Department prior to the applicant's being issued a license); and

3) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 and the Test of Spoken English (TSE) with a score of 50 for applicants who apply after January 1, 1996, who graduated from a physical therapy program outside the United States or its territories and whose first language is not English. In order to determine countries whose first language is English, the applicant shall submit verification from the school that the physical therapy program is taught in English; and

4) 3† The required fee specified in Section 32(1) and (2) of the Act. Applicants for a physical therapist--assistant--license--who--can--document at--least--two--years--of--experience--as--a--physical--therapist--assistant under--the--direct--supervision--of--a--licensed--physical--therapist--may--be licensed--as--a--physical--therapist--assistant--without--taking--the

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~~Department's examination if they submit a completed application--the fee--required--by--Section--32(f)--and certification of a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service prior to January 17, 1978.~~

c) If supporting documentation for the application is not in English, a certified translation must be included.

d) A graduate of a physical therapy or physical therapy assistant program outside the United States or its territories shall have his/her degree validated, by a credentialing agency at the applicant's expense, as equivalent to a physical therapy degree conferred by a regionally accredited college or university in the United States.

e) If the applicant has ever been licensed/registered in another state or territory of the United States, he/she shall also submit a certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, stating:

1) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the license;

2) A description of the examination in that jurisdiction;

3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

f) An applicant for a license, who has successfully completed the examination recognized by the Department in another jurisdiction but who has not been licensed in that jurisdiction, shall file an application in accordance with subsection (a) or (b) above and have the examination scores submitted to the Department by the reporting entity.

g) If the Department has reasonable questions or doubts with respect to the documentation or accuracy of any of the matters set forth in the application, the applicant will be required to appear before the Committee and/or provide such additional information as necessary.

h) If the applicant has been determined eligible for licensure except for passing of the examination, the applicant shall be issued a letter of authorization which allows him/her to practice under supervision in accordance with Section 2 of the Act. Supervision shall constitute the presence of the licensed physical therapist on site to provide supervision. The applicant shall not begin practice as a physical therapist or physical therapist assistant, license pending, until the letter of authorization is received from the Department.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1340.40 Examination

a) The examination for a physical therapist license shall be the

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Federation of State Boards of Physical Therapy examination for physical therapists.

b) The examination for a physical therapist assistant license shall be the Federation of State Boards of Physical Therapy examination for physical therapist assistants.

c) The passing grade on the physical therapy and physical therapist assistant examination shall be a scaled score of 600. The scores shall be submitted to the Department from the testing entity.

d) An applicant who has three failures of the examination shall be ineligible to retake the examination until such time as he/she submits certification of remedial training education on forms supplied by the Department, to the Committee that, subsequent to the third failure, the applicant has successfully completed ~~it~~ a structured clinical training program ~~A course of clinical education of not less than 3~~ three months on a full-time basis. The training shall be under the direct, on site, personal supervision of a licensed physical therapist, as approved by the Committee, ~~or~~

2) ~~A course of study of not less than forty-eight (48) classroom hours in an approved program of physical therapy or~~

3) ~~Not less than three months of full-time not-for-pay on-site training supervised by a licensed physical therapist in a clinical setting in Illinois. A signed letter by the supervisor shall be submitted to the Department to verify training~~

e) Any person licensed in Illinois as a physical therapist or physical therapist assistant shall not be admitted to the examination. However, in no way shall this provision limit the Department's ability to require reexaminations for restoration or enforcement purposes.

f) The provisions of this Section shall apply to all applicants regardless of where the applicant is in the application process.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1340.50 Endorsement

a) An applicant who is currently licensed under the laws of another state or territory of the United States and who wishes to be licensed as a physical therapist or physical therapist assistant by endorsement, shall file an application with the Department, on forms provided by the Department, which shall include:

1) Certification, on forms provided by the Department, of successful completion of an approved physical therapy or physical therapist assistant program in accordance with Section 1340.20;

2) Certification from the state or territory of original licensure and the state in which the applicant is currently licensed, and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains record of any disciplinary actions taken or

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pending, and the applicant's license number;

- 3) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 and the Test of Spoken English (TSE) with a score 50 for applicants who apply after January 1, 1996, who graduated from a physical therapy program outside the United States or its territories and whose first language is not English. The Department may waive the TOEFL and TSE examination for individuals who are licensed and have been actively practicing in another jurisdiction for 3 years prior to the date of application for licensure in Illinois;
- 4) A report of the applicant's examination record forwarded directly from the test reporting service;
- 5) Complete work history since graduation from the physical therapy or physical therapist assistant program;
- 6) The required fee specified in Section 32 of the Act.

b) A graduate of a physical therapy or physical therapy assistant program outside the United States or its territories shall have his/her degree validated, by a credentialing agency at the applicant's expense, as equivalent to a physical therapy degree conferred by a regionally accredited college or university in the United States.

b) The Department may, in individual cases, upon recommendation of the Committee, waive the written physical therapy or physical therapist assistant examination set forth in Section 1340.40 for an applicant for endorsement after full consideration of his/her physical therapy education, training and experience, including but not limited to whether he/she has achieved special honors or awards, has had articles published in professional journals, has participated in writing textbooks relating to physical therapy, and any other attribute which the Committee accepts as evidence that the applicant has outstanding and proven ability in physical therapy.

c) The Department shall examine each endorsement application to determine whether the requirements in the jurisdiction at the date of licensing were substantially equivalent to the requirements then in force in this State and whether the applicant has otherwise complied with the Act.

d) The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

e) When an applicant for licensure by endorsement as a physical therapist or physical therapist assistant is notified in writing by the Department that the application is complete, the applicant may practice in Illinois for one year or until licensure has been granted or denied, whichever period of time is lesser, as provided in Section 2(4) of the Act.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 1340.60 Restoration

a) A person applying for restoration of a license which has expired or been placed on inactive status for more than 5 five years shall file an application with the Department along with the required fee and shall do one of the following:

- 1) Submit certification of current licensure from another state or territory completed by the appropriate state board, and show proof of current active practice; or
- 2) Submit an affidavit attesting to military service as provided in Section 15 of the Act. If application is made within 2 two years of discharge, and if all other provisions of Section 15 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees; or
- 3) Pass the examination set forth in Section 1340.40; or
- 4) Submit evidence of recent attendance at educational programs in physical therapy, including attendance at college level courses, professionally oriented continuing education classes, special seminars, or any other similar program, or evidence of recent related work experience to show that the applicant has maintained competence in his/her field. The Department will accept:
 - A) For an applicant whose license has lapsed 6 to 10 years, 160 80 contact hours of clinical training under the supervision of a licensed physical therapist or 20 10 hours of continuing education relating to the clinical aspects of physical therapy or any combination thereof approved by the Committee.
 - B) For an applicant whose license has lapsed for 10 years or more, 320 160 contact hours of clinical training under the supervision of a licensed physical therapist or 40 20 hours of continuing education relating to the clinical aspects of physical therapy, or any combination thereof approved by the Committee.

b) A person applying for restoration of a license which has expired for less than 5 five years shall file an application with the Department and submit \$10 plus all lapsed renewal fees as specified in Section 32 of the Act.

c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Committee because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Committee to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts of information. Upon the recommendation of the Committee and approval by the Director, an

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applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1270
- 3) Section Numbers: _____ Proposed Action: New Section 1270.APPENDIX A
- 4) Statutory Authority: Implementing Section 6 of the Land Survey Monuments Act [765 ILCS 220/6] and authorized by Section 6 of the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330/6].
- 5) A Complete Description of the Subjects and Issues Involved: The Land Survey Monuments Act [765 ILCS 220] requires a licensed land surveyor to record a monument record when he/she conducts a survey that uses as a control corner any public land survey monument, or when he/she establishes, re-establishes, restores or rehabilitates any public land survey monument, except when there exists a monument record and the monument is found as described in the record. This rulemaking adds an appendix to the rules for the Illinois Professional Land Surveyor Act of 1989 setting forth standards for the perpetuation of monuments by licensed land surveyors.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0800

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Licensed land surveyors.
- B) Reporting, bookkeeping or other procedures required for compliance: Licensed land surveyors will be required to follow specifications for presenting and recording monument records set forth in this rulemaking.
- C) Types of professional skills necessary for compliance: Land surveying skills are required for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1995

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1270

ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

Section 1270.5	Application for Licensure as a Professional Land Surveyor-in-Training by Examination
1270.10	Application for Licensure as a Professional Land Surveyor by Examination
1270.13	Experience
1270.15	Definition of Related Science
1270.20	Examinations
1270.30	Endorsement
1270.35	Inactive Status
1270.40	Restoration
1270.45	Corporations and Partnerships
1270.50	Renewals
1270.60	Granting Variances

APPENDIX A Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

AUTHORITY: Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. NO. 50, page 64, effective December 11, 1978; codified at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill. Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended by 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. 16071, effective November 17, 1995; amended at 20 Ill. Reg. _____, effective _____.

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Section 1270.APPENDIX A Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

- a) The Land Survey Monuments Act [765 ILCS 220] requires a licensed land surveyor to record a monument record when he/she conducts a survey that uses as a control corner any public land survey monument, or when he/she establishes, re-establishes, restores or rehabilitates any public land survey monument, except when there exists a monument record and the monument is found as described in the record. All licensed land surveyors who conduct surveys pursuant to the Land Survey Monuments Act shall comply with standards set forth in this Section. Violation of the Land Survey Monuments Act shall be considered a Class A misdemeanor pursuant to Section 11 of the Act.
- b) Every section corner and quarter section corner is a public land survey monument. The monumentation of other points resulting from the subdivision of a section is not a requirement of the Act. Only when a public land survey monument is used for making a survey is recording of a monument record a requirement of the Act. The licensed land surveyor may utilize information from previous surveys providing it is sufficient to locate, establish or re-establish the public land survey monument and is adequate for preparing the monument record.
- c) A monument record means a written and illustrated document describing the physical appearance of a survey monument and its accessories. The monument record shall be presented and recorded in accordance with the following specifications:
- 1) It shall have an overall width of 8 1/2 inches and an overall length of 11 inches.
 - 2) It shall have a clear one-half inch border on the top, bottom and both sides.
 - 3) A 3" x 5" block in the upper right corner shall be reserved for the use of the County Recorder of Deeds.
 - 4) Paper on which the form is printed shall have a minimum rag content of 25 percent and shall be 20 pound weight.
 - 5) The height of lettering or typing shall be one tenth of an inch and shall have a clarity suitable for microfilming and reproducing. A maximum of 4 sheets may be used as one document.
 - 6) There shall be no more than 4 monuments shown on each record and all monuments must be for a common section.
 - 7) The surveyor may show geodetic position or other information at his/her option, providing it does not detract from the clarity of the requirements of the monument record.
 - 8) The drawing shall be orientated with North at the top of the form.
 - 9) The monument record shall be recorded at the time of recording the survey if the survey is placed on record, but in no case more than 40 days after the survey is completed.
 - 10) Each monument record shall describe at least 3 accessories or reference points.

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- 1) All monument records shall be signed by a licensed land surveyor or by the chief of a survey party in an agency of the United States government.
- d) In addition to the monument record requirements set forth above, additional data to add to the monument record to aid in future recovery shall include the following:
 - 1) the company's job number of the survey project;
 - 2) the date the survey plat was completed;
 - 3) the name of the firm, surveyor's name and field book with page number;
 - 4) distances and bearings to the nearest quarter or section corner monument;
 - 5) general location of ties (i.e., in ditch line, 5' east of edge pavement, etc.);
 - 6) the amount of cover, if any, over the monument;
 - 7) the proper or government township name;
 - 8) that distances are slope or horizontal;
 - 9) any known history of the monument (e.g., the monument was shown on a plat of survey by Super Surveyors, Inc., dated August 16, 1937, and recorded in Surveyors Book 2, page 29, in the County Recorder's Office).
- e) The Land Survey Monuments Act states that a monument shall be in such a physical condition that it remains as permanent a monument as is reasonably possible and, if practical, the land surveyor's Illinois license number shall be affixed securely to the top of the monument at the public land survey corner. When it is not practical to affix the land surveyor's Illinois license number on the monument, the number may be affixed to one of the reference points.
- f) As a minimum the monument must be a standard weight steel pipe, one-half inch diameter, 30 inches long or a solid steel rod one-half inch diameter, 30 inches long.
- g) Should the monument fall on a concrete surface, a survey marker permanently anchored into the concrete is acceptable. Should a stone be found and the size is such to make it reasonably permanent, it should remain and ferrous material be placed over or adjacent to the monument to facilitate its recovery.
- h) Pursuant to Section 3.04 of the Land Survey Monuments Act, "accessory" is defined as any physical evidence in the vicinity of a survey monument or position thereof, the relative position of which is of public record and which is used to perpetuate the location of the monument.... Ties are considered accessories.
- 1) If monument record ties are found to have a questionable future, make an effort to establish permanent ties and file a new monument record.
- 2) In an area void of nearby physical tie points, resort to angular ties such as building corners, the centers or faces of chimneys, steeples, water towers or other structures.
- 3) A description of a tie point shall be as specific as possible and

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may include such things as:

- A) The exact location on a right of way marker or other square shaped tie, such as apex, northeast corner or center of east face at ground level;
- B) Chiseled cross on northwest cap bolt of hydrant;
- C) Back of concrete curb at joint of radius return;
- D) Chiseled cross on south side of rim on sanitary sewer manhole;
- E) Southwest corner of concrete foundation; or
- F) Punch mark on top of west end of 15 inch corrugated metal pipe culvert.

i) Other considerations when conducting a survey to establish a monument record:

- 1) Lower the monument if it appears to be in danger of being destroyed due to grading, road improvement, cultivation, etc.
- 2) Make an attempt to contact adjoining property owners to ascertain if the monument is generally recognized and accepted to be the corner in question.
- 3) Make an attempt to show the adjoining property owners, road commissioner or highway official the location of the monument and supply them with a copy of the monument record for future use.
- 4) Maintain respect for private property. Do not paint or put nails in or survey ribbon on private property without permission.
- j) The Department is cognizant of the long range public benefit derived by the perpetuation of the public land survey monuments. The Act has no provision that would exempt a particular type of survey from complying with the Act if a public land survey monument is used. Therefore, strict adherence is a legal requirement.

(Source: Added at 20 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

1) Heading of the Part: Naprapathic Practice Act

2) Code Citation: 68 Ill. Adm. Code 1295

3) Section Numbers: Proposed Action:

1295.05	New Section
1295.10	New Section
1295.20	New Section
1295.30	New Section
1295.40	New Section
1295.50	New Section
1295.60	New Section
1295.70	New Section
1247.110	New Section

4) Statutory Authority: Implementing the Naprapathic Practice Act (225 ILCS 63) (see P.A. 89-0061, effective June 30, 1995) and authorized by Section 45 of the Act [225 ILCS 63/45].

5) A Complete Description of the Subjects and Issues Involved: Public Act 87-1231, effective July 1, 1993, as amended by P.A. 89-0061, effective June 30, 1995, provides for the licensure of naprapaths by the Department of Professional Regulation. The General Assembly provided funding for FY 1996 to implement the Act. When adopted, these rules will allow the Department to begin processing licensure applications.

These proposed rules detail how applicants qualified by education and experience have until June 30, 1998, to obtain licenses as naprapaths under grandfather provisions of Section 65 of the Act.

To qualify for licensure under grandfather provisions, an applicant must submit to the Department evidence that he/she has received remuneration for practicing naprapathy for at least 10 years before June 30, 1995, the effective date of the Act.

The proposed rules specify criteria for an approved naprapathy program. In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation from the American Naprapathic Association (ANA). Until June 30, 1998, an applicant may receive an equivalent of 3 semester hours of college course work for each year of naprapathic practice. The examination for licensing naprapaths shall be the Illinois Written Clinical Competency Examination. Grades shall be reported as pass or fail.

The proposed rules tell how persons licensed or registered as naprapaths in other jurisdictions can obtain licensure by endorsement in Illinois. They also describe how to renew or restore a license, how to place a

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license on inactive status and under what circumstances the Director of the Department may grant variances to these rules.

- 6) Do these proposed Rules replace an emergency Rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed Rules contain incorporations by reference? No
- 9) Are there any other proposed Rules pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no effect on local governments.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0800 Fax #: 217/782-7645

All written comments received within 45 days after this issue of the Illinois Register will be considered.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing naprapathic services.

- B) Reporting, bookkeeping or other procedures required for compliance: Every naprapath license issued under the Act shall expire on December 31 of even numbered years. The first license renewal period will be December 31, 1998. Licensees are responsible for notifying the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license.

- C) Types of professional skills necessary for compliance: Naprapathic skills are necessary for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1995.

The full text of the Proposed Rules begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1295
 NAPRAPATHIC PRACTICE ACT

Section	Application for Licensure as a Naprapath under Section 65 of the Act (Grandfather)
1295.05	
1295.10	Approved Naprapathy Program
1295.20	Application for Licensure on the Basis of Examination
1295.30	Examination
1295.40	Endorsement
1295.50	Renewals
1295.60	Inactive Status
1295.70	Restoration
1295.110	Granting Variances

AUTHORITY: Implementing the Naprapathic Practice Act [225 ILCS 63] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 20 Ill. Reg. _____, effective _____.

Section 1295.05 Application for Licensure as a Naprapath under Section 65 of the Act (Grandfather)

- a) Any person seeking a license under Section 65 of the Naprapathic Practice Act (the Act) shall file an application with the Department of Professional Regulation (the Department), on forms provided by the Department. The application shall be postmarked no later than June 30, 1998, and shall include the following:

- 1) Verification of:
- A) Employment as a naprapath for remuneration for at least 10 years prior to June 30, 1995. Employment shall be documented by one or more of the following:
 - i) Certification of experience, on forms provided by the Department, signed and notarized under oath by an employer; or
 - ii) Three affidavits submitted by colleagues familiar with the applicant's work;
 - B) Graduation from a naprapathic program approved pursuant to Section 1295.10 of this Part; and
 - C) Clinical skills as follows:
 - i) Documentation of attendance for a minimum of 60 hours

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of clinical education in naprapathy within the last 5 years. Programs shall have been offered by, but not limited to, organizations such as the American Naprapathic Association, Chicago National College of Naprapathy and Illinois Naprapathic Association; or

ii) Successful completion of the written clinical competency examination set forth in Section 1295.30 of this Part.

2) A complete work history since graduation from a naprapathic program approved pursuant to Section 1295.10 of this Part.

3) The required fee set forth in Section 85(a) of the Act.

4) Certification, on forms provided by the Department, from all jurisdictions in which the applicant has ever been licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and

B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) When the accuracy of any submitted documentation or experience is questioned by the Department or the Committee because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

1) Provide such information as may be necessary; and/or

2) Appear for an interview before the Committee to explain relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

c) If upon review the clinical skills of the applicant are determined by the Committee not to meet requirements set forth in subsection (a)(1)(C)(ii) above, the applicant shall be required to take the clinical competency examination set forth in Section 1295.20 of this Part.

Section 1295.10 Approved Naprapathy Program

The Department shall, upon the recommendation of the Committee, approve a naprapathy program if it meets the following minimum criteria:

a) The curriculum in naprapathy shall be a 4-year academic program in a minimum of 3 calendar years and provide for the equivalent of 2 calendar years of academic work and one calendar year of clinical experience.

1) Academic work shall be a minimum of 130 credit hours, including:

A) 66 credit hours in basic sciences (e.g., anatomy, physiology, pathology, kinesiology, neurology, biochemistry) specialized for the study of connective tissue; and

B) 64 credit hours in clinical sciences, to include but not be limited to the major areas of:

i) Naprapathic Sciences.

ii) Naprapathic theory and application: Oakley Smith method of chartology, chondrosis, directopanning, naprapathic technique, connective tissue manipulation; therapeutic and rehabilitative exercise; postural counseling; nutritional counseling; evaluation procedures; physical agents and related modalities; electrotherapy; connective tissue massage; accessory techniques/adjuvants; assistive devices; practice management psychology; and professional issues.

2) Clinical experience shall be a minimum of 60 credit hours, including:

A) 1000 contact hours served in the clinic; and

B) 350 full-credit evaluations.

3) The school shall:

A) Admit only students who have completed at a minimum a 2-year college level program of general education (60 semester or 90 quarter hours) from an accredited institution of higher education.

B) Be legally recognized and authorized by the jurisdiction in which it is located to confer a doctor of naprapathy degree.

C) Have a faculty that comprises a sufficient number of full-time instructors to make certain the educational obligations to students are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges and institutions.

D) Maintain permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

b) Until June 30, 1998, an applicant may receive an equivalent of 3 semester hours of college course work for each year of naprapathic practice.

c) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation from the American Naprapathic Association (ANA).

d) Recommendation of Approval

1) The Department, upon recommendation of the Committee, has determined that all naprapathic programs accredited by the ANA as of January 1, 1996, meet the minimum criteria set forth in subsection (a) above and, therefore, are approved.

2) In the event of a decision by the ANA to suspend, withdraw or revoke accreditation of any naprapathic program, the Committee shall proceed to evaluate the program and either approve or disapprove it in accordance with subsection (a) above.

Section 1295.20 Application for Licensure on the Basis of Examination

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- a) An applicant for a naprapath license by examination shall apply on forms approved by the Department at least 60 days prior to an examination date. The application shall include:
- 1) An official transcript indicating the completion of a 2 year degree or its equivalent at an accredited college or university;
 - 2) Certification and/or transcript of successful completion of a naprapathic program signed by the director of the approved naprapathic program or other authorized college official and bearing the seal of the college;
 - 3) Proof of successful passage of Part I and Part II of the National Board of Naprapathic Examiners examination;
 - 4) A complete work history indicating all employment since graduation from a naprapathic program; and
 - 5) The required fee specified in Section 85(a) of the Act.
- b) If supporting documentation for the application is not in English, a certified translation must be included.
- c) If the applicant has ever been licensed/registered in another jurisdiction, he/she shall also submit a certification, on forms provided by the Department, from all jurisdictions in which the applicant has ever been licensed, stating:

- 1) The time during which the applicant was registered/licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Committee to explain relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

Section 1295.30 Examination

- a) The examination for licensed naprapaths shall be the Illinois Written Clinical Competency Examination.
- b) Grades shall be reported as pass or fail.
- c) If an applicant neglects, fails or refuses to take an examination within 3 years after filing an application, the application shall be denied.
- d) Any applicant who has been unsuccessful in 3 examinations conducted in this State or any other jurisdiction shall be deemed ineligible for further examination until he/she submits certification of education, on forms supplied by the Department, to the Committee, subsequent to

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the third failure, that the applicant has successfully completed:

- 1) A course of clinical education of not less than 3 months on a full-time basis under the direct, on site, personal supervision of a licensed naprapath in conjunction with an approved program of naprapathy; or
- 2) A course of study of not less than 48 classroom hours in an approved program of naprapathy; or
- 3) Not less than 3 months of full-time, not for pay, on site training, supervised by a licensed naprapath in a clinical setting in Illinois. An affidavit signed by the supervisor shall be submitted to the Department to verify training.
- e) Any person licensed in Illinois as a naprapath shall not be admitted to the examination. However, in no way shall this provision limit the Department's ability to require reexaminations for restoration or enforcement purposes.

Section 1295.40 Endorsement

- a) An applicant who is licensed/registered under the laws of another jurisdiction who wishes to be licensed in Illinois as a naprapath shall file an application with the Department, on forms provided by the Department, which includes:

- 1) Certification of meeting education requirements as set forth in Section 1295.10 of this Part or the education requirements in effect at the time of original licensure;
 - 2) Certification from all jurisdictions in which the applicant has been licensed, stating the time during which the applicant was licensed in that jurisdiction, whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number;
 - 3) A report of the applicant's examination record forwarded directly from the test reporting service;
 - 4) Complete work history since graduation from a naprapathic program approved pursuant to Section 1295.10 of this Part; and
 - 5) The required fee specified in Section 85 of the Act.
- b) The Department shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination then in force in this State and whether the applicant has otherwise complied with the Act.
- c) The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

Section 1295.50 Renewals

- a) Every naprapath license issued under the Act shall expire on December 31 of each even numbered year. The holder of a license may renew such

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license during the month preceding the expiration date by paying the required fee.

- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- c) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 120 of the Act.

Section 1295.60 Inactive Status

- a) Licensed naprapaths who notify the Department, on forms provided by the Department, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the Department in writing of the intention to resume active practice.
- b) Any licensed naprapath seeking restoration from inactive status shall pay the current renewal fee specified in Section 85(c) of the Act and have the license restored in accordance with Section 1295.70 of this Part.
- c) Any naprapath whose license is on inactive status shall not use the title "licensed naprapath" or practice naprapathy in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

Section 1295.70 Restoration

- a) Any naprapath whose license has expired for 5 years or less may have the license restored by paying the fees required by Section 85(d) of the Act.
- b) Any person seeking restoration of a license that has been expired for more than 5 years shall file an application, on forms supplied by the Department, for review by the Committee, together with the fee required by Section 85(e) of the Act. The applicant also shall submit one of the following:
 - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice; or
 - 2) An affidavit attesting to military service as provided in Section 70 of the Act; or
 - 3) Proof of passage of the naprapath examination set forth in Section 1295.30 of this Part during the period the license was lapsed or on inactive status; or
 - 4) Evidence of completion of:
 - A) 80 contact hours, certified by the school, of clinical training under the supervision of a licensed naprapath or

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100 hours of continuing education in naprapathy or any combination thereof approved by the Committee for an applicant whose license has lapsed or been on inactive status for 6 to 10 years.

- B) 160 contact hours, certified by the school, of clinical training under the supervision of a licensed naprapath or 200 hours of continuing education in naprapathy or any combination thereof approved by the Committee for an applicant whose license has lapsed or been on inactive status for 10 years or more.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Committee to explain relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- d) Upon recommendation of the Committee and approval by the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

Section 1295.110 Granting Variances

- a) The Director may grant variances from this Part in individual cases where he or she finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Committee of the granting of the variance, and the reasons therefor, at the next meeting of the Committee.

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1) Heading of the Part: Medical Assistance Programs2) Code Citation: 89 Ill. Adm. Code 1203) Section Numbers: Proposed Action:

120.330 Amendment
 120.360 Amendment
 120.361 Amendment
 120.362 Amendment
 120.363 New Section
 120.364 Amendment
 120.372 Amendment
 120.395 Repeal

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) A Complete Description of the Subjects and Issues Involved: These proposed amendments introduce three budgeting changes for MANG. The purpose of these changes is to simplify the MANG budgeting process, provide more stability to the client's eligibility status and reduce the time casework staff have to use for budgeting.

The three changes are as follows:

1. Income received on a weekly basis will be averaged and multiplied by 4.33 to even out monthly fluctuations due to periodic extra paychecks. Income received bi-weekly will be averaged and multiplied by 2.16 to even out monthly fluctuations due to periodic extra paychecks; and
3. Income of self-employed persons will be averaged over the year.

Currently, despite the type of employment received, the Department budgets the income of all MANG clients monthly. Monthly income may vary for those clients paid weekly, bi-weekly or who are self-employed. For four months out of the year, clients who receive earnings weekly are subject to having five pay periods. For two months out of the year, clients who receive earnings bi-weekly are subject to having three pay periods. Also, self-employed clients (such as farmers) may only receive earnings nine months out of the year, leaving three months with zero earnings. These kinds of income fluctuations result in clients having a spenddown case three or four months out of the year and a regular MANG case for the remaining months of the year. Unwarranted administrative processing time benefits neither the client nor the Department.

This rulemaking proposes to average income for clients in the above situations when determining eligibility for MANG. As a result of this rulemaking, the income of clients who are paid weekly and bi-weekly will

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be averaged by using 4.33 or 2.16, respectively. Clients with self-employed income will be reviewed yearly. For self-employed clients, Department staff will request yearly tax returns and business records to calculate a fixed monthly amount of earnings which will be used to determine medical eligibility.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
120.11	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.30	Amendment	October 6, 1995 (19 Ill. Reg. 13797)
120.64	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.80	Amendment	June 30, 1995 (19 Ill. Reg. 8512)
120.310	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.345	Amendment	October 6, 1995 (19 Ill. Reg. 13797)
120.390	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.390	Amendment	October 6, 1995 (19 Ill. Reg. 13797)
120.391	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.392	Amendment	August 25, 1995 (19 Ill. Reg. 12192)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

July Umunna
 Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Ave., E., 3rd Floor
 Springfield, IL 62762
 (217) 524-3215

The Department requests the submission of comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

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12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section

- 120.10 Eligibility For Medical Assistance
- 120.11 Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)
- 120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
- 120.20 MANG(AABD) Income Standard
- 120.30 MANG(C) Income Standard
- 120.31 MANG(P) Income Standard
- 120.40 Exceptions To Use Of MANG Income Standard
- 120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60

- All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
- 120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities
- 120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
- 120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
- 120.64 Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)
- 120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

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Section
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Medical Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standard
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90 Migrant Medical Program
120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.200 Elimination of Aid to The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)
120.224 Foster Care Program (Repealed)
120.225 Social Security Numbers (Repealed)
120.230 Unearned Income (Repealed)
120.235 Exempt Unearned Income (Repealed)
120.236 Education Benefits (Repealed)
120.240 Unearned Income In-Kind (Repealed)
120.245 Earmarked Income (Repealed)
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)
120.255 Protected Income (Repealed)
120.260 Earned Income (Repealed)
120.261 Budgeting Earned Income (Repealed)
120.262 Exempt Earned Income (Repealed)
120.270 Recognized Employment Expenses (Repealed)
120.271 Income from Work/Study/Training Program (Repealed)
120.272 Earned Income from Self-Employment (Repealed)

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120.273 Earned Income From Roomer and Boarder (Repealed)
120.275 Earned Income In-Kind (Repealed)
120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
120.280 Assets (Repealed)
120.281 Exempt Assets (Repealed)
120.282 Asset Disregards (Repealed)
120.283 Deferral of Consideration of Assets (Repealed)
120.284 Spend-down of Assets (AMI) (Repealed)
120.285 Property Transfers (Repealed)
120.290 Persons Who May Be Included in the Assistance Unit (Repealed)
120.295 Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
120.308 Client Cooperation
120.309 Caretaker Relative
120.310 Citizenship
120.311 Residence
120.312 Age
120.313 Blind
120.314 Disabled
120.315 Relationship
120.316 Living Arrangements
120.317 Supplemental Payments
120.318 Institutional Status
120.319 Assignment of Rights to Medical Support and Collection of Payment
120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323 Suspension of Paternity Establishment and Obtaining Medical Support
120.324 Upon Finding Good Cause
120.325 Health Insurance Premium Payment (HIPP) Program
120.326 Health Insurance Premium Payment (HIPP) Pilot Program
120.327 Foster Care Program
120.328 Social Security Numbers
120.330 Unearned Income
120.332 Budgeting Unearned Income
120.335 Exempt Unearned Income
120.336 Education Benefits
120.338 Incentive Allowance
120.340 Unearned Income In-Kind
120.342 Court Ordered Child Support Payments of Parent/Step-Parent
120.345 Earmarked Income
120.346 Medicaid Qualifying Trusts

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120.347 Treatment of Trusts
 120.350 Lump Sum Payments and Income Tax Refunds
 120.355 Protected Income
 120.360 Earned Income
 120.361 Budgeting Earned Income
 120.362 Exempt Earned Income
 120.363 Earned Income Disregard - MANG(C)
 120.364 Earned Income Exemption
 120.366 Exclusion From Earned Income Exemption
 120.370 Recognized Employment Expenses
 120.371 Income From Work/Study/Training Programs
 120.372 Earned Income From Self-Employment
 120.373 Earned Income From Roomer and Boarder
 120.375 Earned Income In Kind
 120.376 Payments from the Illinois Department of Children and Family Services
 120.379 Provisions for the Prevention of Spousal Impoverishment
 120.380 Assets
 120.381 Exempt Assets
 120.382 Asset Disregard
 120.383 Deferral of Consideration of Assets
 120.384 Spend-down of Assets (MANG)
 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
 120.386 Property Transfers Occurring On or Before August 10, 1993
 120.387 Property Transfers Occurring On or After August 11, 1993
 120.390 Persons Who May Be Included In the Assistance Unit
 120.391 Individuals Under Age 13 Who Do Not Qualify For AFDC/AFDC-MANG and Children Born October 1, 1983, or Later (MANG(P) Program)
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)
 120.393 Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
 120.395 Payment Levels for MANG (Repealed)
 120.399 Redetermination of Eligibility

TABLE A Value of a Life Estate and Remainder Interest

TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill.

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Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill.

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Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20998, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1,

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1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.330 Unearned Income

- a) All currently available, unearned income which is not specified as exempt shall be considered in the determination of eligibility ~~and the level-of-the-assistance-payment.~~
- b) Unearned income is all income other than that received in the form of salary for services performed as an employee or profits from self-employment.
- c) When the amount of unearned income to be considered is determined, the cents are dropped from each payment amount.
- d) For payments received weekly, the weekly amount is multiplied by 4.33 to determine the countable monthly income.
- e) For payments received bi-weekly, the bi-weekly amount is multiplied by 2.16 to determine the countable monthly income.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

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Section 120.360 Earned Income

a) All currently available income which is not specified as exempt is ~~shall-be~~ considered in the determination of eligibility and the level of the assistance payment.

b) Earned income is remuneration acquired through the receipt of salaries or wages for services performed as an employee or profits from an activity in which the individual is self-employed.

c) AFDC(MANG)

1) Earned income received through the Job Training Partnership Act by dependent children who are full-time students or who are part-time students and not employed full-time (i.e., working 100 hours or more per month) is exempt (see 89 Ill. Adm. Code 112.140 for a definition of "full-time student" and "part-time student").

Participants in Job Corps are considered students.

2) Earned income received through the Job Training Partnership Act by dependent children who are not students as described in subsection (c)(1) of this Section above is exempt for six months each year.

d) AABD (MANG)

Earned income received through the Job Training Partnership Act must be budgeted against the AABD MANG standard.

e) When the amount of earned income to consider is determined, the cents are dropped from each payment amount.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 120.361 Budgeting Earned Income

a) Budgeting is the method by which nonexempt non-exempt income is compared to the applicable MANG Standard payment-level (as contained in Sections 120.20, 120.30 and 120.31) Section---120.370)---plus additional---income---maintenance---needs---to-determine-the-amount-of-the-monthly-assistance-payment-for-the-assistance-unit.

b) For persons who are paid weekly, the average gross weekly payment is multiplied by 4.33 to determine the countable gross monthly income.

c) For persons who are paid bi-weekly, the average gross bi-weekly payment is multiplied by 2.16 to determine the countable gross monthly income.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 120.362 Exempt Earned Income

a) MANG (AABD) (Excluding Long Term Group Care)
The first \$25.00 \$7-50 of a client's earned or unearned income, other

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than SSI or contributions from a spouse or other individual residing outside the home, is ~~shall-be~~ exempt from consideration in the determination of eligibility. A client is eligible for only one \$25.00 \$7-50 exemption regardless of the type or ~~of~~ source of income. Certain additional amounts of earned income shall be exempt:

1) For MANG (AABD(A)(D)), the first \$20.00 of gross earned income plus one-half of the next \$60.00 are shall-be exempt.

2) For MANG(AABD(B))

A) The first \$85.00 of the gross earned income plus one-half of the amount in excess of \$85.00 are shall-be exempt.

B) Amounts of income as may be necessary for fulfillment of a client's plan for achieving self-support for a period not to exceed 12 months are shall-be exempt.

c) MANG(C)

Earned ~~The-earned~~ income shall be exempt if it is the earned income of an individual receiving assistance as a dependent child who is:

1) A full-time student in a school (including vocational and technical) college or university approved by the Illinois Office of Education. Full time is defined as follows:

A) High School - 25 clock hours per week or enrollment in a secondary education program of training which the school defines as full time attendance;

B) Vocational or Technical School - 30 clock hours per week when the program involves shop practice; 25 hours per week when the program does not involve shop practice; or

C) College or University - 12 semester or quarter hours, ~~7-08~~ or more ~~shall-be-exempt-from-consideration.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 120.363 Earned Income Disregard - MANG(C)

The first \$90.00 of earned income is disregarded from monthly earned income of each employed person.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 120.364 Earned Income Exemption

a) For MANG(C), the first \$30.00 of the combined net earned income of each employed person (excluding the earned income of a dependent child (see Sections 120.360 and 120.362 ~~as-exempt-above~~) plus one-third of the remainder shall be exempt from consideration. The net income is gross income after the deduction of appropriate business expenses and/or employment expense.

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b) After the amount of the earned income exemption is determined, the cents are dropped before the earned income exemption is deducted from the gross unearned income minus the income disregard.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 120.372 Earned Income From Self-Employment

a) Income realized from self-employment is shall-be considered earned income.

b) Accurate and complete records shall be kept on all monies received and spent through self-employment. If the individual fails or refuses to maintain complete business records, the assistance unit is shall-be ineligible.

c) Business expenses must shall-be verified. The individual has shall have full responsibility for proof of any business expense. No deduction is shall-be allowed for depreciation, obsolescence and/or similar losses in the operation of the business. Gross income from the business is shall-be turned back into the business only to replace stock actually sold.

d) The net income is shall-be the gross remaining after the replacement of stock and business expenses have been considered, and the appropriate employment expenses and child care expenses, as specified in Section 113, have been deducted. The earned income exemption, if applicable, is shall-be computed on the net income.

e) To determine the amount of self-employment to be considered, the verified income from the previous calendar year is divided into 12 monthly amounts. The income from the previous year is considered unless:

- 1) the person was not self-employed in the previous calendar year;
- 2) the person is no longer self-employed; or
- 3) the person has valid reasons to anticipate that the income expected to be received during the current calendar year will be in a different amount.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 120.395 Payment Levels for MANG (Repealed)

the amount a recipient unit is to pay toward its medical expenses is the sum of that unit's nonelective income and assets minus the amount of the appropriate medical assistance standard.

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Number: Proposed Action:
140.523 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments allow for post payment approval of bed reserves in nursing facilities to be made by non-nursing staff from the Bureau of Long Term Care (BUTC). Currently, such post payment approval for bed reserves must be completed by professional nurses. However, since BUTC nurses now work as surveyors with the Department of Public Health, and verification of bed reserve days does not require professional nursing skill, amendments are being proposed to allow any BUTC staff to complete post payment bed reserve approvals. These proposed amendments will not result in any budgetary changes.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.2	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.7	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.9	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.40	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.413	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.460	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.461	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.462	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.463	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.464	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.475	Amendment	November 17, 1995 (19 Ill. Reg. 15581)
140.478	Amendment	November 17, 1995 (19 Ill. Reg. 15581)
140.481	Amendment	November 17, 1995 (19 Ill. Reg. 15581)
140.485	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.490	Amendment	December 8, 1995 (19 Ill. Reg. 16134)

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140.491	Amendment	December 8, 1995 (19 Ill. Reg. 16134)
140.492	Amendment	December 8, 1995 (19 Ill. Reg. 16134)
140.493	New Section	December 8, 1995 (19 Ill. Reg. 16134)
140.570	Amendment	December 22, 1995 (19 Ill. Reg. 16778)
140.642	Amendment	November 27, 1995 (19 Ill. Reg. 15788)
140.920	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.922	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.924	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.926	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.928	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.930	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.932	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140. Table M	Amendment	October 20, 1995 (19 Ill. Reg. 14530)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave., E., 3rd Floor
Springfield, IL 62762
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Nursing facilities
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited

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140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72 Voucher Advance Payment and Expedited Payments
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund
140.95 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.96 Hospital Services Trust Fund
140.97 General Requirements (Recodified)
140.98 Special Requirements (Recodified)
140.99 Covered Hospital Services (Recodified)
140.100 Hospital Services Not Covered (Recodified)
140.101 Limitation On Hospital Services (Recodified)
140.102 Transplants (Recodified)
140.103 Heart Transplants (Recodified)
140.104 Liver Transplants (Recodified)
140.105 Bone Marrow Transplants (Recodified)
140.106 Disproportionate Share Hospital Adjustments (Recodified)
140.107 Payment for Inpatient Services for GA (Recodified)
140.108 Hospital Outpatient and Clinic Services (Recodified)
140.109 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.200 Payment for Hospital Services After June 30, 1982 (Repealed)
140.201 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.202 Limits on Length of Stay by Diagnosis (Recodified)
140.203 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350 Copayments (Recodified)
140.360 Payment Methodology (Recodified)
140.361 Non-Participating Hospitals (Recodified)

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140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140.400 Payment to Practitioners, Nurses and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
 140.416 Optometric Services and Materials
 140.417 Limitations on Optometric Services
 140.418 Department of Corrections Laboratory
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
 140.428 Chiropractic Services
 140.429 Limitations on Chiropractic Services (Repealed)

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140.430 Independent Laboratory Services
 140.431 Services Not Covered by Independent Laboratory
 140.432 Limitations on Independent Laboratory Services
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 140.435 Nurse Services
 140.436 Limitations on Nurse Services
 140.440 Pharmacy Services
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 140.459 Payment for Therapy Services
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 140.461 Clinic Participation, Data and Certification Requirements
 140.462 Covered Services in Clinics
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 140.464 Healthy Moms/Healthy Kids Managed Care Clinics
 140.465 Speech and Hearing Clinics (Repealed)
 140.466 Rural Health Clinics
 140.467 Independent Clinics
 140.469 Hospice
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 140.471 Home Health Covered Services
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 140.477 Limitations on Equipment, Supplies and Prosthetic Devices
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Section	
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140.503	Cessation of Payment for Improper Level of Care
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140.506	Provider Voluntary Withdrawal
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140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered by Department Payment
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140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
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140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
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140.538	Special Costs
140.539	Nurse's Aide Training and Testing
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140.566	Out-of-State Placement
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140.568	Duration of Incentive Payments (Repealed)
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140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
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140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
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140.643 In-Home Care Program
 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
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 140.830 Appeals of Rate Determinations
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SUBPART F: MEDICAID PARTNERSHIP PROGRAM

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 140.850 General Description (Repealed)
 140.855 Definition of Terms (Repealed)
 140.860 Covered Services (Repealed)
 140.865 Sponsor Qualifications (Repealed)
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 140.880 Provider Qualifications (Repealed)
 140.885 Provider Responsibilities (Repealed)
 140.890 Payment Methodology (Repealed)
 140.895 Contract Monitoring (Repealed)
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 140.901 Functional Areas of Needs (Recodified)
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 140.903 Definitions (Recodified)
 140.904 Times and Staff Levels (Repealed)
 140.905 Statewide Rates (Repealed)
 140.906 Reconsiderations (Recodified)
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140.908 Times and Staff Levels (Recodified)
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 140.956 Payments to Contracting Hospitals (Recodified)
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1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 135, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January

1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency

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amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART E: GROUP CARE

Section 140.523 Bed Reserves

a) Nursing Facilities

- 1) All bed reserves must:
 - A) be authorized by a physician (and in the case of hospitalization, the physician must anticipate that the hospitalization will not exceed ten days);
 - B) have post payment approval from the Bureau of Long Term Care staff nurse based on satisfying the requirements of this Section;
 - C) be limited to residents who desire to return to the same facility; and
 - D) be limited to facilities having a 93 percent or higher occupancy level. The occupancy level shall be calculated including both payable and non-payable (non-payable defined as those residents that have transitioned from the maximum days allowed for payable bed reserve to non-payable bed reserve status) bedhold days as occupied beds.
- 2) Payment may be approved for hospitalization for a period not to exceed ten days per hospital stay. The day the resident is transferred to the hospital is the first day of the reserve bed period.
- 3) Payment may be approved for home visits which have been indicated by a physician as therapeutically beneficial. In such instances, bed reserve is limited to seven consecutive days in a billing

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- month or ten days a non-consecutive days in a billing month. The day after the resident leaves the facility is the first day of the reserve bed period. Home visits may be extended with the approval of the Department.
- 4) The Bureau of Long Term Care staff nurse will approve ongoing therapeutic home visits based on the physician's standing orders for the individual. Standing orders for therapeutic home visits limited to ten days per month are valid for a period not exceeding six months.
 - 5) Payment for approved bed reserves is a daily rate at 75 percent 75% of an individual's current Medicaid per diem.
 - 6) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.
- b) ICF/MR Facilities (including ICF/DD and SNF/Ped licenses SNF/PED facilities)
- 1) All bed reserves must:
 - A) be authorized by the interdisciplinary team (IDT); and
 - B) be limited to residents who desire to return to the same facility.
 - 2) There is no minimum occupancy level ICF/MR facilities must meet for receiving bed reserve payments.
 - 3) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.
 - 4) Payment may be approved for hospitalization for a period not to exceed 45 consecutive days. The day the resident is transferred to the hospital is the first day of the reserve bed period. Payment for approved bed reserves for hospitalization is a daily rate at:
 - A) 100 percent 100% of a facility's current Medicaid per diem for the first ten days of an admission to a hospital;
 - B) 75 percent 75% of a facility's current Medicaid per diem for days 11 through 30 of the admission;
 - C) 50 percent 50% of a facility's current Medicaid per diem for days 31 to 45 of the admission.
 - 5) Payment may be approved for therapeutic visits which have been indicated by the IDT as therapeutically beneficial. There is no limitation on the bed reserve days for such approved therapeutic visits. The day after the resident leaves the facility is the first day of the bed reserve period. Payment for approved bed reserves for therapeutic visits is a daily rate at:
 - A) 100 percent 100% of a facility's current Medicaid per diem for a period not to exceed ten days per State fiscal year;
 - B) 75 percent 75% of a facility's current Medicaid per diem for a period which exceeds ten days per State fiscal year.

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(Source: Amended at 20 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Swimming Pool and Bathing Beach Code

2) Code Citation: 77 Ill. Adm. Code 820

3) Section Numbers: Proposed Action:
820.500 Amended

4) Statutory Authority: Swimming Pool and Bathing Beach Act [210 ILCS 125]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes several changes related to the construction and operation of bathing beaches. These include the following:

1. New beaches will not be allowed to be constructed where there is excessive algae or aquatic weeds.
2. Sampling criteria for total coliform have been deleted and parameters for E. coli have been added.
3. The designer of new beaches is required to specify a bather load which will determine the number of fixtures required in the bathhouse.
4. Minimum water depths in diving areas are specified.
5. Bathhouses at new beaches must be within 300 feet from the beach unless the beach serves a residential area for 50 people or less, in which case only toilets need to be located within 300 feet from the beach.
6. Existing beaches will need to provide a toilet or privy for each sex within 300 feet from the beach.
7. A beach manager/operator will be responsible for the operation of the beach.
8. A beach may be closed based on one sample with a fecal coliform count over 500 per 100 ml or an E. coli count over 235 per 100 ml.
9. A maximum bather density of one bather per 25 square feet is required for new beaches.
10. Requirements are proposed for dealing with schistosome dermatitis situations.
11. Garbage containers are required on the beach.

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12. Swimming is prohibited after sunset and when lightning is present.
13. A ring buoy, first aid kit and a telephone are required for safety purposes.
14. A regulation poster is required to be at the beach and the requirements enforced. One of those requirements is that infants that are not toilet trained wear tight fitting rubber or plastic pants.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain any Incorporations by Reference? No

9) Are there any Other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, place and manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Gail M. Devito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
(217) 782-6187

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments in writing to Gail M. Devito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: This rulemaking will only affect those businesses that operate bathing beaches.

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B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
None

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: These rules are being proposed as a result of situations experienced during the summer of 1995 including an outbreak at a large state operated beach in which 12 children were infected by E. coli 0157:H7 bacteria and became very ill.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER n: RECREATIONAL FACILITIES

PART 820
ILLINOIS

SWIMMING POOL AND BATHING BEACH CODE

SUBPART A: GENERAL

Section
820.10
820.20

Definitions
Incorporated Materials

SUBPART B: SWIMMING POOLS AND BATHING BEACHES

Section
820.100
820.110
820.120
820.130

Permits
Water Supplies
Sewage Disposal
Food Service Sanitation

SUBPART C: SWIMMING POOL DESIGN REQUIREMENTS

Section
820.200
820.210
820.220
820.230
820.240
820.250
820.260

General Design Requirements
Swimming Pool Water Treatment System
Swimming Pool Bather Preparation Facilities
Wading Pools
Spray Pools
Water Slides
New Equipment, Construction and Materials

SUBPART D: SWIMMING POOL OPERATIONAL REQUIREMENTS

Section
820.300
820.310
820.320
820.330
820.340
820.350
820.360
820.370
820.380
820.390

Personnel
Safety Equipment
Water Quality
Swimming Pool Closing
Operation and Maintenance
Operation Reports and Routine Sampling
Personal Regulations
Swimming Suits and Towels Furnished by Management
Wading Pools and Spray Pools
Refuse Disposal

SUBPART E: BATHING BEACH DESIGN AND OPERATION

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Section
820.500 Minimum Sanitary Requirements for Bathing Beaches

APPENDIX A Illustrations

ILLUSTRATION A Slope of Pool Bottom
ILLUSTRATION B Pool Walls
ILLUSTRATION C General Pool Diving Area Dimensions
ILLUSTRATION D Pools with Diving Facilities in Excess of Three Meters in Height

ILLUSTRATION E Slide Dimensions
ILLUSTRATION F Slide Position
ILLUSTRATION G Flow Meter Installation
ILLUSTRATION H Skimmer Construction
ILLUSTRATION I Installation of a Pressure Sand Filter System
ILLUSTRATION J Installation of a Pressure Diatomaceous Earth Filter System
ILLUSTRATION K Installation of a Vacuum Filter System
ILLUSTRATION L Chlorine Injection into Return Line to Pool Using Pump Discharge Pressure
ILLUSTRATION M Chlorine Injection into Return Line to Pool Using External Water Source Pressure
ILLUSTRATION N Chlorine Injection into Return Line to Pool Using Booster Pump

APPENDIX B Tables

TABLE A Dimensions of Swimming Pools with Diving Facilities in Excess of Three Meters in Height
TABLE B First Aid Kit Contents
TABLE C Flows Carried by Inlets
TABLE D Sizing Swimming Pool Chlorinators
TABLE E Shower, Lavatory and Toilet Fixtures Required Per Bather Load

AUTHORITY: Implementing and authorized by the Swimming Pool and Bathing Beach Act [210 ILCS 125].

SOURCE: Adopted October 22, 1974; amended and effective February 9, 1976; amended at 4 Ill. Reg. 46, p. 1283, effective November 5, 1980; amended at 5 Ill. Reg. 9593, effective September 16, 1981; rules repealed and new rules adopted at 5 Ill. Reg. 13623, effective December 2, 1981; amended and codified at 8 Ill. Reg. 12366, effective July 5, 1984; amended at 11 Ill. Reg. 12308, effective July 15, 1987; amended at 14 Ill. Reg. 786, effective January 1, 1990; amended at 20 Ill. Reg. _____, effective _____.

SUBPART E: BATHING BEACH DESIGN AND OPERATION

Section 820.500 Minimum Sanitary Requirements for Bathing Beaches

a) Initial Sanitary Survey. Prior to the issuance of a construction permit, the Department shall conduct a sanitary survey of the proposed beach. This survey shall include an evaluation of the physical,

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chemical, and bacteriological characteristics of the bathing beach area, as well as any potential or actual sources of contamination in the water shed which could affect the beach. The presence of any such sources of contamination shall constitute grounds to deny the permit. ~~and the water shed.~~

1) Physical Quality. The following characteristics shall not be present in the beach area or water shed:

- A) Sludge deposits, solid refuse, floating waste solids, oils, grease or and scum.
- B) Hazardous substances being discharged into bathing beach water or water shed.

2) Bacteriological Quality. The bacteriological quality of water at bathing beaches shall comply with the following criteria:

- A) At least two samples shall be collected from the proposed beach area and additional samples shall be collected from any tributaries as they enter the lake. ~~Coliform-bacteria counts--of-17000-per-100-ml-or-fecal coliform bacteria counts of 200 100 per 100 ml or E. coli density of 126 per 100 ml in one or more in-any-two samples shall be-considered sufficient--grounds--to require additional investigation, survey, special analyses and correction of any problems determined to be causing the high counts. Subsequent evaluation and satisfactory bacteriological results must be obtained before a construction permit will be issued.~~

- B) There shall be no sanitary or combined sewer discharges or other raw or partially treated sewage discharges to the bathing beach area or immediate water shed.

3) Chemical Quality. There shall be no discharges of chemical substances capable of creating toxic reactions, or irritations to the skin or mucous membranes of a bather.

b) Design

- 1) Bather Load. The bather load shall be established at all beaches constructed after June 1, 1996, by the registered engineer or architect who designed the project.

2) Beach and Swimming Areas. The wading areas at all beaches shall be separated from swimming and diving areas by lines securely anchored and buoyed. The slope of the bottom of any portion of the beach having a water depth of less than 5 feet shall not exceed 1 foot vertical for 12 feet horizontal. The slope shall be uniform. The bottom of the wading and swimming area shall consist of sand or gravel. If disinfection or filtration is provided, it must comply with the requirements in Section 820.210.

3) Diving Facilities Boards.

- A) Where diving facilities are provided, the design-and-lay-out of--the-facilities--and--associated--depths--shall--be--in accordance-with-Section-820-200(o)---The--water--surrounding any-floats-where-diving-is-permitted-shall-be-at-least-9-1/2

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~~feet--deep--~~ following minimum water depth must be maintained for a distance of at least 12 feet beyond the end and sides of the platform or board:

Height of Platform or Board	Minimum Water
Above Water	Depth

0 - 1/2 Meter	9.5 feet
1 Meter	10 feet
3 Meters	12 feet

- B) Handrails, guardrails and steps shall comply with the requirements of Section 820.200(o)(1).

4) Safety Boundaries Requirements. The wading and swimming areas at beaches where the water is less than 5 feet deep shall be separated from swimming and diving areas by lines securely anchored and buoyed. The Safe limits of the swimming area shall be marked by buoys, poles, or other markers located not over 100 feet apart and visible to bathers from a distance of at least 100 feet. Within such limits of safe swimming, there shall be no boating, underwater obstructions, or other hazards which may be dangerous or cause injury to swimmers. Signs shall be provided on the beach describing such markers and stating that they indicate the limits of the swimming area safe-bathing.

- 5) Water Slides and Sliding Boards. Water slides shall comply with Section 820.250 and sliding boards shall comply with Section 820.200(p).

c) Electrical Wiring. All electrical wiring shall be in accordance with the National Electrical Code in effect at the time of construction.

d) Bathhouses Bather-Preparation-Facilities

- 1) For all new beaches established after June 1, 1996, ~~General Bather-preparation-facilities~~ a bathhouse shall be provided on the premises-of-the-facility within 300 feet from the shoreline unless---At the beach is intended to serve only a residential development located around the lake, and a maximum of 50 100 persons is anticipated to be present at anytime,---or In such cases, at least one toilet or privy shall be provided for each sex within 300 feet from the shoreline.

2) Bathhouses. Bathhouses shall be designed in accordance with the requirements of Section 820.220(b), (c), (d), (e) and (f). The bather load to be used to determine the required number of fixtures shall be provided by the registered engineer or architect who designed the project. ~~The bathhouse shall be kept clean-and-free-of-dirt-and-debris-at-all-times.~~

- 3) All beaches established before June 1, 1996 shall comply with the bathhouse/toilet facility requirements in effect at the time they were constructed, but as a minimum shall provide at least one toilet or privy for each sex within 300 feet of the shoreline.

e) Bathing Beach Operation

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- 1) Sampling- Samples of bathing beach water shall be taken by the applicant or manager/operator licensee and submitted to the Department at such times and points as designated by the Department within the area utilized for bathing or swimming purposes. Additional samples shall be also obtained at any critical point subject to possible pollution as determined by a sanitary survey.
 - 2) Water-Quality- During operation, the-facility-shall-comply-with the-water-quality-requirements-of-Section-820.500(a)(2)(A)-(F)-in addition-to-these-requirements-a-coliform-bacteria-count-of over-500-per-100-ml-or a fecal coliform count over 500 per 100 ml or an E. coli count over 235 per 100 ml in any two-consecutive sample samples shall constitute-sufficient-grounds-to require closing of the beach.
 - 3) Survey- If a sanitary survey determines that the-facility-is-not in-compliance-with-the-physical-chemical-and-bacteriological requirements-of-Section-820.500(a)(2)-(F)-or-that there are discharges of sanitary or combined sewers or of other raw or partially treated sewage to the beach or immediate water shed, the bathing beach shall be closed by written order of the Department.
 - 4) Where schistosomiasis dermatitis (swimmers' itch) is known to exist, appropriate measures shall be taken to protect the bathers. Such measures may include posting of warning signs, chemical treatment of the beach or closing the beach. Any chemical treatment shall comply with all Federal, State or local requirements, including prior approval of the Department or its agent(s).
 - 5) The beach manager/operator shall monitor the water depth around diving facilities and prohibit use of any such facilities which do not comply with the minimum water depth requirements of Section 820.500(b)(3).
 - 6) For all beaches established after June 1, 1996, the beach manager/operator shall enforce the bather load established in Section 820.500(b)(1). Additionally, for all beaches, the bather density in water less than 5 feet deep shall not exceed one bather per 25 square feet.
 - 7) No swimming shall be permitted after sunset or when lightning is present.
 - 8) No pets shall be permitted in the beach area.
 - 9) Feeding of wildlife or other actions which encourage their presence is prohibited.
 - 10) The beach area shall be kept free of any debris, including wastes from waterfowl or other wildlife.
 - 11) Leakproof, covered refuse containers shall be provided at convenient locations in the beach area. They shall be emptied at least twice per week and more often if necessary to avoid odors and insect breeding.
- f) Lifeguards. Lifeguards shall be provided at bathing beaches which

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

allow bathers 16 years of age or under to enter the beach without a responsible person 17 years of age or older present, except when the parent or guardian of each person under 17 years of age submits written permission to the beach owner or manager/operator allowing such individuals under 17 years of age to enter the beach area or swim without a lifeguard or responsible person 17 years of age or older present. Lifeguards shall comply with the requirements of Section 820.300(b).

- 1) Where-lifeguards-are-not-provided-a-sign-must-be-posted-which states-No-person-may-enter-the-beach-water-alone-or-swim-alone.
- 2) Lifeguards-shall-comply-with-the-requirements-of-Section-820.300(b).
- g) Safety Requirements
 - 1) A U.S. Coast Guard approved ring buoy with at least 25 feet of rope shall be available at the beach.
 - 2) A first aid kit containing the items described in Appendix B shall be available at the beach.
 - 3) A telephone shall be available within 500 feet of the beach. The numbers of the local police, fire department, rescue squad and ambulance, and/or 911 numbers shall be posted near the telephone.
 - 4) All drownings and injuries or illnesses requiring hospitalization shall be reported to the Department within 24 hours and the Department's "Drowning and Injury Report" form shall be completed and submitted within 7 days.
- h) Regulation Poster. The following regulation poster which is provided by the Department shall be posted at the entrance to the bathhouse or other conspicuous locations so as to be easily visible to beach patrons:

REGULATIONS - BEACHES

The following rules governing the use of the beach shall be displayed on placards provided by the Department at the entrance to bathhouses or other conspicuous locations and shall be enforced by the beach manager/operator.

- 1) The beach water is not suitable for drinking. Avoid swallowing beach water.
- 2) Admission to the beach may be refused to all persons having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, carbuncles, boils, diarrhea, vomiting, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious. Persons with excessive sunburn, abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind may also be refused admittance. A person under the influence of alcohol or exhibiting erratic behavior shall not be permitted in the beach area. Littering is prohibited. In addition, no food, drink, gum or tobacco is allowed in the water. Glass containers are prohibited throughout the beach area.
- 3)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 4) All infants shall wear tight fitting rubber or plastic pants.
- 5) No one should swim alone.
- 6) Persons under the age of 17 must be accompanied by a responsible person 17 years of age or older unless a lifeguard is present or written permission of a parent or legal guardian is provided to the beach manager/operator.
- 7) Personal conduct within the beach must be such that safety is not jeopardized.
- 8) Diving in shallow water is not permitted.
- 9) Caution shall be exercised in the use of diving facilities.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3) Section Numbers: Proposed Action:
502.830 Amendment
- 4) Statutory Authority: 230 ILCS 5
- 5) A complete description of the subjects and issues involved: This rulemaking adds the provision that a trainer may perform the duties of a farrier (shoe) with respect to his/her own horses.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, IL 60601
(312) 814-5070

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 3, 1996
- B) Types of small business affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

ILLINOIS RACING BOARD

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- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is a result of a request by the Illinois Harness Horsemen's Association and was not anticipated by the Board; therefore, it did not appear on a regulatory agenda.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 502

LICENSING

SUBPART A: PROCEDURE

Section
502.10 Submission of Application
502.20 Complete Application
502.30 License Fees
502.40 Duration and Extent of Occupation Licenses
502.50 Rulings and Hearings
502.55 Denial of License
502.58 License to Participate

SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section
502.60 Denial of a License for Criminal Conviction
502.72 First-Time Applicant Who Has Been Convicted of a Crime
502.76 Prohibitions Against Persons on Conditional Discharge, Parole, Probation or Supervision
502.78 Probationary Nature of Licenses
502.80 Unqualified to Perform the Duties
502.90 Falsifying Answers or Omitting Facts
502.100 Just Cause
502.102 Burden of Going Forward
502.104 Denial of a License for Just Cause in Illinois or in Another Racing Jurisdiction

SUBPART C: GENERAL CRITERIA

Section
502.110 Criteria for Determining Eligibility
502.115 Standards Required of All Applicants

SUBPART D: OWNERS

Section
502.120 Owners

SUBPART E: TRAINERS AND ASSISTANT TRAINERS

Section

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

502.200 Trainers and Assistant Trainers
502.210 Prospective Trainers or Assistant Trainers
502.220 Workers' Compensation

SUBPART F: JOCKEYS AND APPRENTICE JOCKEYS

Section
502.230 Jockeys and Apprentice Jockeys
502.235 Apprentice Jockeys, Criteria for Eligibility
502.238 Apprentice Contract or Certificate

SUBPART G: DRIVERS

Section
502.250 Harness Driver
502.260 Prospective Harness Drivers
502.270 "Q" Licenses
502.280 "P" Licenses
502.290 "A" Licenses

SUBPART H: OTHER LICENSEES

Section
502.300 Veterinarians
502.320 Veterinary Assistant
502.350 Farriers (Blacksmiths)
502.380 Exercise Riders
502.400 Pony Person
502.450 Stable Foreman
502.500 Jockey Agents
502.600 Authorized Agents
502.650 Tack Shop Operators and Other Vendors
502.660 Vendor Helper
502.680 Thoroughbred Grooms
502.690 Harness Grooms
502.700 Hotwalker
502.790 Totalizator Employee

SUBPART I: CONFLICTS OF INTEREST

Section
502.800 General Provision
502.820 Dual Licensing
502.830 Limitations on License
502.840 Husbands and Wives
502.850 Transfer of a Horse

AUTHORITY: Implementing Section 15 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b) and 15).

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NOTICE OF PROPOSED AMENDMENTS

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 13 Ill. Reg. 1562, effective January 23, 1989; amended at 13 Ill. Reg. 4931, effective March 22, 1989; amended at 14 Ill. Reg. 17641, effective October 16, 1990; amended at 15 Ill. Reg. 11985, effective August 12, 1991; amended at 16 Ill. Reg. 12774, effective July 31, 1992; amended at 17 Ill. Reg. 19961, effective November 9, 1993; amended at 18 Ill. Reg. 11615, effective July 7, 1994; amended at 19 Ill. Reg. 5034, effective April 1, 1995; amended at 19 Ill. Reg. 17190, effective January 1, 1996; amended at 20 Ill. Reg. _____, effective _____.

SUBPART I: CONFLICTS OF INTEREST

Section 502.830 Limitations on License

A groom may be a hotwalker. A trainer may also perform the duties of a groom, or hotwalker or farrier with respect to his/her own horses. An exercise rider may also be a pony person. A harness owner may also groom or hot walk the horse or horses owned by him. However, except for those license categories specifically mentioned herein, no licensee shall act in any capacity other than that for which he is licensed. Thus, for example:

- a) a pony person may not exercise horses if not licensed as an exercise rider.
- b) a groom may not perform the duties of a trainer if not licensed as a trainer.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Public Infrastructure Grant and Loan Programs

2) Code Citation: 14 Ill. Adm. Code 610

3) Section Numbers: Adopted Action:
 610.300 Amendment
 610.400 Amendment
 610.500 Amendment
 610.900 Amendment

4) Statutory Authority: Implementing and authorized by the Public Infrastructure Grant and Loan Program Act [30 ILCS 750/Art.8], and as amended by Public Act 89-0262.

5) Effective Date of Amendments: January 5, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 5, 1996

9) Notice of Proposed Published in Illinois Register: September 15, 1995 (19 Ill. Reg. 12849).

10) Has JCAR issued a Statement of objections to these amendments? No

11) Difference between proposal and final version: The proposed and final version of the rule are identical.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement later issued by JCAR? Not Applicable.

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) A Complete Description of the Subjects and Issues Involved: In Public Act 89-0262, the Affordable Financing of Public Infrastructure Program was amended to increase the maximum allowable term for loans from 3 to 10 years and deleted the requirement that a capital improvements plan be prepared.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Brenda Yager, Deputy Director

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

Bureau of Community Development
 Department of Commerce and Community Affairs
 620 East Adams Street, 5th Floor
 Springfield, Illinois 62701
 Telephone Number: (217) 785-6174
 T.D.D. Number (217) 785-6055

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 610

PUBLIC INFRASTRUCTURE LOAN AND GRANT PROGRAMS

SUBPART A: BUSINESS DEVELOPMENT PUBLIC INFRASTRUCTURE
LOAN AND GRANT PROGRAM

Section

610.10 Program Purpose
610.20 Application Cycle
610.25 Application Documentation
610.30 Evaluation Process
610.40 Selection for Funding
610.50 Funding Limitations
610.60 Administrative Requirements

SUBPART B: AFFORDABLE FINANCING OF PUBLIC INFRASTRUCTURE
LOAN AND GRANT PROGRAM

Section

610.100 Program Purpose
610.200 Definitions
610.300 Cooperative Agreements with State Intermediaries
610.400 Direct Grants and Loans
610.500 Application Cycle and Criteria for Grants and Loans
610.600 Evaluation Process
610.700 Selection for Funding for Direct Grants and Loans
610.800 Funding Limitations
610.900 Administrative Requirements

AUTHORITY: Implementing and authorized by the Public Infrastructure Loan and Grant Program Act [30 ILCS 750/Art. 8] (see Public Act 89-262).

SOURCE: Emergency rule adopted at 9 Ill. Reg. 14362, effective September 6, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 3259, effective January 28, 1986; amended at 10 Ill. Reg. 19395, effective October 31, 1986; amended at 14 Ill. Reg. 19164, effective November 26, 1990; emergency amendment at 17 Ill. Reg. 19676, effective October 25, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 8398, effective May 23, 1994; amended at 20 Ill. Reg. 11691, effective

JAN 05 1996

SUBPART B: AFFORDABLE FINANCING OF PUBLIC INFRASTRUCTURE LOAN AND GRANT PROGRAM

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

Section 610.300 Cooperative Agreements with State Intermediaries

a) The Department is authorized to enter into cooperative agreements with other State government public infrastructure financing entities for the purpose of reliance upon their application, credit review, security, and loan closing procedures for individual small project loans. [30 ILCS 750/8-10(b)] Small Project Affordable Financing of Public Infrastructure loans may be provided under the following conditions:

- 1) As the sole financing source when the Department has determined that no other affordable financing source is available for projects that are necessary to local community health, safety and economic development; or
- 2) As partial project financing in satisfaction of other financing source match requirements, to finance feasibility study and other project development costs necessary to accessing other financing, and to otherwise service financing gaps necessary to project feasibility. [30 ILCS 750/8-10(b)]
- b) The State governmental public infrastructure financing intermediaries with which the Department may enter into interagency agreements are the State executive agencies including the Illinois Environmental Protection Agency and the Illinois Department of Public Health and any body politic created under State statute including the Illinois Rural Bond Bank and the Illinois Development Finance Authority.
- c) The governmental public infrastructure financing intermediaries may use the funds provided by the Department to provide small project loans which may not exceed \$100,000 in principal amount. The repayment period for small project loans shall not exceed 10 years. The small project loans may be provided to local governments, local public entities, medical facilities and public health clinics for the purpose of making affordable the financing of "Public Infrastructure" as defined by 30 ILCS 750/8-2.
- d) The cooperative agreements between the Department and the intermediaries shall contain a section that specifies the eligible uses, qualified applicants and responsibilities in implementing the infrastructure assistance funds by each intermediary. The cooperative agreements between the Department and the intermediaries may be modified or supplemented by written agreement of both parties. The agreements may be terminated by either party with 30 days written notice.
- e) Repayments of principal and interest on loans made by the intermediaries from the infrastructure assistance funds provided by the Department to qualified applicants and any funds collected due to default or failure to comply with the terms or conditions of a loan made under this program and any excess loss reserve funds (any funds not utilized by the trustee for payment of realized losses, fees and other costs in administering the loss reserve trust fund) shall be paid into the Public Infrastructure Construction Loan Revolving Fund.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

f) If applicable, the intermediaries may charge qualified loan applicants reasonable and customary fees.

g) The intermediaries shall develop a set of operating procedures and documents which will be provided to the Department before funds are to be made available to the intermediaries. The operating procedures, at a minimum, shall contain the following:

1) Certification by the intermediary that the proposed project meets the requirements of the Affordable Financing of Public Infrastructure Act.

2) Documentation of sufficiency of tax or revenue source to service debt. A financial feasibility report from an independent accountant or analyst should be provided.

3) Procedure for disbursement of funds to the grantee.

h) The documents, at a minimum, shall contain the following:

1) A preliminary and/or final application, including necessary financial information.

2) Applicable closing documents, i.e., loan agreements, debt authorization ordinance and security agreement, including intercept agreement as appropriate.

i) The intermediaries receiving funds from the Department shall submit quarterly progress reports to the Department in the manner prescribed by the Department.

(Source: Amended 20 Ill. Reg. 1179, effective JAN 05 1996)

Section 610.400 Direct Grants and Loans

a) The Department is authorized to provide small project affordable financing of public infrastructure grants and loans to local governments, local public entities, local medical facilities, and public health clinics of up to 25% of the project costs where the Department has determined that affordable financing is available for the balance of the project cost, but not for the amount to be subject to the small project affordable financing of public infrastructure grant or loan. No small project grant or loan shall exceed \$100,000.

[30 ILCS 750/8-10(d)]

b) The Department is authorized to make small project loans which may not exceed \$100,000 in principal. The repayment period for small project loans shall not exceed 10 years.

(Source: Amended 20 Ill. Reg. 1179, effective JAN 05 1996)

Section 610.500 Application Cycle and Criteria for Grants and Loans

a) Application Availability

1) Applications for direct grant and loan assistance from the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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Department will be openly available if sufficient monies are allocated for the program. Upon request, the Department will supply potential applicants with an application package if sufficient monies are allocated for the program.

2) Qualified applicants may apply for grant and loan assistance under this program. Such applicants must submit an application on forms provided by the Department. A standard application form will be used statewide.

b) Program Application -- Applications for grant and loan assistance from the Department must address the following items:

1) Written certification by the applicant that an essential need exists for the public infrastructure financing in order to secure a health, safety or economic development project within the community.

2) The applicant's financing capability and its ability to pay for, or secure the payment of, part or all of the proposed public infrastructure improvements, and the local government's tax effort, as shown by local tax rates relative to other local governments of the same type in the State. However, if the applicant is a not-for-profit medical facility or public health clinic, the applicant need not address the local government's tax effort.

3) Local financing mechanisms available to help pay for the costs of the public infrastructure project, including, but not limited to, local revenue bonds, special service area tax proceeds, local user charges, or applicable federal loans or grants.

4) The proposed public infrastructure improvements described in detail which shows their relationship to existing public property and capital improvement plans, as well as the pending health, safety or economic development project.

5) Certification that the project is a health, safety or economic development project.

6) Certification that the community has a multi-year capital improvement program, updated annually, that includes listings of specific capital projects and specifies all sources of funds for each project, and that is based on economic analysis of the costs and benefits of each project and an analysis of the implications of each project for operating, maintenance and repair costs, and shows each year what past projects have been completed, which are pending, and which have been dropped from the capital plan. (30 ILCS 750/8-10(f))

6.7) The applicant's readiness to implement the project by providing a time schedule for project initiation; cost estimates which demonstrate the cost feasibility of the project; and a signed resolution of support from the organization's governing body.

(Source: Amended at 20 Ill. Reg. 1179, effective JAN 05 1996)

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DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

Section 610.900 Administrative Requirements

Affordable Financing of Public Infrastructure grants and loans awarded by the Department are subject to the following conditions:

- a) Direct financial assistance through the loans or grants must be used for the purposes specified in Section 8-10 of the Act.
- b) On Affordable Financing of Public Infrastructure loans, the Department shall determine the interest rate, if any, that the loans shall bear. The Department shall set the terms and conditions for repayment of the loans. The repayment period of loans shall not exceed 20 years except for the small project loans specified in Section 610.300(c), which shall not exceed 10 years.
- c) Repayments of principal and interest on loans made and any funds collected because of a default or failure to comply with the terms or conditions of a loan under this program shall be paid into the Public Infrastructure Construction Loan Revolving Fund.
- d) The Department may take whatever actions are necessary or appropriate to protect the State's interest in the event of a default, foreclosure or noncompliance with the terms and conditions of the loans or grants provided under this Act, including the power to sell, dispose, lease, or rent, upon terms and conditions deemed to be appropriate by the Department, real or personal property that the Department may receive as a result thereof.

(Source: Amended 20 Ill. Reg. 11791, effective
JAN 05 1996)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Volunteered Locations(s) Procedures for Selecting a Site for the Development of a Low-Level Radioactive Waste Disposal Facility
- 2) Code Citation: 32 Ill. Adm. Code 610
- 3)

<u>Section Number:</u>	<u>Adopted Action:</u>
610.10	New Section
610.20	New Section
610.30	New Section
610.40	New Section
- 4) Statutory Authority: Implementing and authorized by Section 10.2 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/10.2].
- 5) Effective Date of Amendments: January 8, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: January 8, 1996
- 9) Notice of Proposal Published in the Illinois Register: October 20, 1995 (19 Ill. Reg. 14511)
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Differences between proposal and final version:
 - a) In the Authority Note on the Notice page, change the statutory cite from "[420 ILCS 10/10.2]" to "[420 ILCS 20/10.2]".
 - b) In the Authority Note, on line 2, change the statutory cite from "[420 ILCS 10/10.2]" to "[420 ILCS 20/10.2]".
 - c) In Section 610.10(e) on line 3, change the word "consideration" to the word "evaluation"; and on line 4, delete the phrase "for evaluation" after the word "location".
 - d) In Section 610.30, lead in paragraph, on line 6, by adding the following sentence: "Before any studies are conducted on land that is volunteered by a unit of local government, the Department shall provide written notice to the owner of the land, in accordance with Section 21.1 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/21.1]".
 - e) In Section 610.40(a), on line 3, delete the phrase "and publication";

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

on line 4, change "45" to "60"; and change the word "adoption" to the word "publication".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: This Rule will establish the policies and procedures to be followed by the Director of the Department of Nuclear Safety when accepting a proposal from a land owner or unit of local government for volunteering lands for consideration as a site for the development of a low-level radioactive waste disposal facility.

16) Information and questions regarding these rules shall be directed to:

Thomas J. Carlisle
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9884 (voice)
(217) 782-6133 (TDD)

The full text of the Adopted Rules begin on the next page.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER d: LOW LEVEL RADIOACTIVE WASTE/TRANSPORTATION

PART 610

VOLUNTEERED LOCATION(S) PROCEDURES FOR SELECTING A SITE FOR THE DEVELOPMENT OF A LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY

Section

610.10 Purpose and Scope

610.20 Definitions

610.30 Procedures for Volunteering a Location for Consideration

610.40 Timelines for Submitting Proposals for Volunteering a Location for Consideration

AUTHORITY: Implementing and authorized by Section 10.2 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/10.2].

SOURCE: Adopted at 20 Ill. Reg. **1186**, effective **JAN 08 1996**.

Section 610.10 Purpose and Scope

- a) The purpose of this Part is to establish the policies and procedures to be followed by the Director of the Department of Nuclear Safety (Director) when accepting a proposal from a land owner or unit of local government for volunteering lands for consideration as a site for the development of a low-level radioactive waste disposal facility.
- b) The Illinois Low-Level Radioactive Waste Management Act (the Act) [420 ILCS 20] directs the Illinois State Geological and Water Surveys (Scientific Surveys) to screen the State of Illinois and identify at least 10 locations, each of at least 640 acres, that appear likely to meet the criteria established by the Low-Level Radioactive Waste Task Group (Task Group).
- c) In addition to screening the State of Illinois, the Illinois State Geological and Water Surveys are also directed to evaluate any location of at least 640 acres that is volunteered by a land owner or unit of local government to determine whether the volunteered location appears likely to meet the established criteria.
- d) The Act does not specify to whom the locations should be volunteered; however, the Task Group has requested the Department of Nuclear Safety (Department) to establish a process by which volunteered locations could be considered.
- e) In keeping with the spirit of preferring volunteered locations, it is the intent of the Department to allow ample opportunity for any land

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

owner or unit of local government to submit for evaluation a proposal for a volunteered location.

- f) Land owners or units of local government may contact the Chief of the Division of Low-Level Radioactive Waste Management, Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704, for further information regarding the procedures described in this Part.

Section 610.20 Definitions

As used in this Part, the following definitions shall apply:

"Contractor" means the contractor selected by the Department under Section 5 of the Act to develop the low-level radioactive waste disposal facility.

"Land owner" means a person in whom title, ownership, or dominion is vested regarding a portion of real property. A holder of a mere option to purchase is not considered to be a land owner.

"Person" means an individual, corporation, business enterprise or other legal entity either public or private and any legal successor, representative, agent or agency of that individual, corporation, business enterprise, or legal entity.

"Option to purchase" means a privilege existing in one person for which that person has tendered payment, giving the person the right, if the person so chooses, to buy land from the owner of that realty at any time within an agreed period for a specified, fixed price.

"Unit of local government" means counties, municipalities, townships, special districts, and units designated as units of local government by law that exercise limited governmental powers or powers in respect to limited government subjects, but does not include school districts.

"Volunteered location" means lands consisting of, at a minimum, 640 acres to be considered as a proposed site for the development of a low-level radioactive waste disposal facility.

Section 610.30 Procedures for Volunteering a Location for Consideration

Any land owner or unit of local government may propose that a location of at least 640 acres be considered as a volunteered location for the proposed development of a low-level radioactive waste disposal facility. Land owners owning contiguous properties may jointly volunteer a location to meet the 640-acre minimum size requirement. Units of local government are not required to own the location being volunteered. Before any studies are conducted on land that is volunteered by a unit of local government, the Department shall

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

provide written notice to the owner of the land, in accordance with Section 21.1 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/21.1].

- a) A volunteered location proposal for consideration shall be in writing and addressed to the Director, Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704.
- b) The volunteered location proposal shall provide a description of the location being volunteered (e.g., plat survey containing the legal description of the property).
- c) The proposals from land owners shall provide a description of the current land ownership.
- d) The Director shall provide a copy of all volunteered location proposals to the Scientific Surveys for inclusion in the screening process or to the contractor after the locations have been identified dependent on the timeframe identified in Section 610.40 of this Part.

Section 610.40 Timelines for Submitting Proposals for Volunteering a Location for Consideration

- a) For land to be considered during the Scientific Surveys' screening process, locations must be volunteered no sooner than the formal adoption of site-selection criteria by the Task Group and no later than 60 days after the publication of the criteria.
- b) After the Scientific Surveys have identified ten or more locations, land owners or units of local governments may volunteer locations for consideration that are within the boundaries of the locations identified by the Scientific Surveys.
- c) Land owners or units of local government will be allowed to volunteer locations as provided in subsection (b) of this Section, but no later than 3 months after the contractor begins to evaluate the locations for site selection.
- d) The contractor will consider locations volunteered under subsection (c) of this Section in addition to the previously volunteered locations that remain after the Scientific Surveys' screening process is completed.

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- 1) Heading of the Part: Assistance Standards
- 2) Code Citation: 89 Ill. Adm. Code 111
- 3) Section Number: Adopted Action:
111.101 Amendment
- 4) Statutory Authority: Sections 12-4.11 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. 12-4.11 and 12-13]
- 5) Effective Date of Amendments: January 5, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 5, 1996
- 9) Notice of Proposal Published in Illinois Register: October 6, 1995 (19 Ill. Reg. 13771)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No changes have been made to the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking increases the Department's Assistance Standards in accordance with the methodology established in Section 111.20. The Public Aid Code requires that the Assistance Standards be updated every January based on the increase in the Consumer Price Index (CPI) for the previous fiscal year. The CPI increase for the period June 1994 through June 1995 was 2.9%. The amount of the increase to be effective January 1, 1996, based on this methodology, is 2.9%.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Name: Judy Umunna
Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

Section
111.1 Incorporation By Reference
111.10 Establishment of Assistance Standards
111.20 Computation of the Assistance Standards
111.30 Amount of Assistance Standards (Family of 1)
111.40 Amount of Assistance Standards (Family of 2)
111.50 Amount of Assistance Standards (Family of 3)
111.60 Amount of Assistance Standards (Family of 4)
111.70 Amount of Assistance Standards (Family of 5)
111.80 Amount of Assistance Standards (Family of 6)
111.90 Amount of Assistance Standards (Family of 7 thru 18)
111.100 Amount of Assistance Standards (Child-Only Cases) (Repealed)
111.101 Current Assistance Standards
111.110 Adjustments Following Court Orders

AUTHORITY: Implementing Articles III, IV and VI and authorized by Sections 12-4.11 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-4.11 and 12-13].
SOURCE: Filed and effective December 30, 1977; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended at 8 Ill. Reg. 223, effective December 27, 1983; amended at 9 Ill. Reg. 295, effective January 1, 1985; amended at 10 Ill. Reg. 1920, effective January 17, 1986; amended at 11 Ill. Reg. 2297, effective January 16, 1987; amended at 12 Ill. Reg. 871, effective January 1, 1988; amended at 13 Ill. Reg. 85, effective January 1, 1989; amended at 13 Ill. Reg. 3840, effective March 10, 1989; amended at 15 Ill. Reg. 1029, effective January 23, 1991; amended at 16 Ill. Reg. 11577, effective July 15, 1992; amended at 17 Ill. Reg. 3213, effective March 1, 1993; amended at 18 Ill. Reg. 2029, effective January 21, 1994; amended at 18 Ill. Reg. 7009, effective April 27, 1994; amended at 19 Ill. Reg. 2886, effective February 24, 1995; amended at 20 Ill. Reg. 1191, effective

Family Size	Group I	Group II	Group III
1 (AFDC and Refugee/Repatriate Assistance)	\$ 526 541	\$ 506 521	\$ 490 442

Section 111.101 Current Assistance Standards
Adults and Children

Family Size	Group I	Group II	Group III
1 (All Other Programs)	499 421	397 409	391 393
2	690 710	667 687	637 656
3	936 963	906 932	867 892
4	1020 1058	1000 1029	966 994
5	1205 1240	1179 1204	1135 1158
6	1392 1392	1314 1352	1268 1305
7	1465 1465	1389 1423	1337 1376
8	1544 1544	1461 1503	1406 1447
9	1623 1623	1538 1583	1484 1527
10	1710 1710	1616 1663	1561 1606
11	1802 1802	1701 1750	1645 1693
12	1895 1895	1789 1845	1729 1779
13	1996 1996	1887 1942	1821 1874
14	2101 2101	1986 2044	1915 1971
15	2213 2213	2091 2152	2018 2077
16	2331 2331	2203 2267	2125 2187
17	2453 2453	2320 2387	2237 2302
18	2583 2583	2442 2513	2357 2425

Child-Only
1 252 261 249 248 233 240
2 490 513 481 495 466 480
3 610 636 601 618 580 605
4 722 815 722 794 750 772
5 941 968 916 943 891 917
6 1039 1039 986 1015 960 988
7 1119 1087 1091 1058 1058
8 1199 1172 1137 1137
9 1286 1254 1218 1218
10 1376 1341 1303 1303
11 1471 1434 1392 1392
12 1570 1531 1485 1485

For family sizes greater than 18 or 12, the amount of the Assistance Standard will be determined by adding \$103 or \$80 respectively for each person above 18 or 12. All rounding in determining Assistance Standards is done by rounding down to the next whole dollar amount.

(Source: Amended at 20 Ill. Reg. 1191, effective JAN 05 1996)

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- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Numbers: Adopted Action:
160.70 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code. [305 ILCS 5/12-13] and Public Act 89-6.
- 5) Effective Date of Amendments: January 5, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 5, 1996
- 9) Notice of Proposal Published in Illinois Register: October 6, 1995 (19 Ill. Reg. 13775)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
- The Ill. Rev. Stat. citations were deleted.
 - In Section 160.70(c)(2)(B)(ii), "past due" was hyphenated.
 - In Section 160.70(e)(1), the semicolon after "support obligation" was stricken and an underlined comma was inserted.
 - In Section 160.70(g)(1), "(g)" was inserted before "(2)".
 - In Section 160.70(i)(2)(B), "(i)" was inserted before "(3)".
 - In Section 160.70(i)(6), "from" was changed to "after".
 - In Sections 160.70(i)(7) and (8), "from" was changed to "after".
 - In Section 160.70(i)(8), "(i)" was inserted before "(6)".
 - In Section 160.70(i)(9), "subsections" was changed to "Section 104.103".
 - In Section 160.70(i)(11)(B), an underlined comma was inserted after "overpayment".

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- No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
160.10	Amendment	November 13, 1995 (19 Ill. Reg. 15347)
160.60	Amendment	November 13, 1995 (19 Ill. Reg. 15347)
160.61	New Section	November 13, 1995 (19 Ill. Reg. 15347)
160.62	New Section	November 13, 1995 (19 Ill. Reg. 15347)

- 15) Summary and Purpose of Amendments: These amendments implement provisions of Public Act 89-6 regarding the collection of past-due child support. The Department will refer to the Department of Revenue those cases in which a delinquency is owed and income withholding and normal child support enforcement efforts have not yielded settlement. The Department will provide the Department of Revenue with the name, Social Security Number, IV-D identification number and past-due support amount for the responsible relative. The Department of Revenue will then use its collection system and any manner authorized for the collection of a delinquent personal income tax liability to collect the past-due child support. The Department of Revenue will notify the Department when the delinquency or any portion of the delinquency has been collected. Any child support delinquency collected by the Department of Revenue, including those amounts that result in overpayment of a child support delinquency, will be deposited in or transferred to the Child Support Enforcement Trust Fund.

As a result of this rulemaking, the Department may submit past-due support amounts to the Illinois Department of Revenue when the following conditions exist:

- past-due support is owed for a child or for a child and the parent with whom the child is living;
- the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice;
- as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
- the responsible relative is not deceased.

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The Department will provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue. The advance notice will inform the responsible relative of the following:

- a) the IV-D case name and identification number;
- b) the past-due support amount which will be submitted for collection;
- c) the right to contest the determination that past-due support is owed or the amount of past-due support by making a request for a redetermination by the Department; and
- d) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.

These amendments also establish factors included in a satisfactory repayment plan as follows:

- a) the amount of past-due support owed;
- b) the amount to be paid toward the past-due amount;
- c) the amount of current child support obligations; and
- d) the individual's ability to pay.

A written request for redetermination made within 15 days after the date of mailing the advance notice will stay the Department from certifying the balance to the Illinois Department of Revenue. No later than 120 days after the date the redetermination was requested, the Department will provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice. A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination will stay the Department from certifying the balance to the Illinois Department of Revenue, if certifying the balance had been stayed.

The Department will notify the Clerk of the Court of the county in which the child support order was entered of any amount collected by the Department of Revenue for posting to the court payment record. If an overpayment is collected, the Department will apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative

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any overpayment, pursuant to certification for collection, which is still in the possession of the Department.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: CHILD SUPPORT ENFORCEMENT

Section

160.1 Incorporation By Reference

160.5 Definitions

160.10 General Provisions

160.12 Administrative Accountability Process

160.15 Application Processing Fee for IV-D Non-AFDC Cases

160.20 Assignment of Rights to Support

160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

160.30

160.35 Cooperation With Support Enforcement Program

160.40 Good Cause For Failure to Cooperate With Support Enforcement

160.45 Proof of Good Cause For Failure to Cooperate With Support Enforcement

Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF

CHILD SUPPORT ORDERS

Section

160.60

160.65 Establishment of Support Obligations

Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section

160.70

160.75 Enforcement of Support Orders

160.77 Withholding of Income to Secure Payment of Support

160.80 Past Due Support Information to State Licensing Agencies

160.85 Amnesty - 20% Charge

Diligent Efforts to Serve Process

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section

160.90

Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

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Section

160.100 Distribution Of Child Support For AFDC Recipients

160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services

160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled

160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section

160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

160.150 Department Review Of Distribution Of Child Support For AFDC Recipients

160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 12-4.3, and 12-13. and Art. X of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19930, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298,

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effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective JAN 05 1996.

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

a) Definitions

The definitions contained in Section 160.60(a) are incorporated herein by reference.

b) Income withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].

c) Federal and State Income Tax Refunds and Other State Payments

1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a]) due such relatives.

2) The Department shall submit past-due support amounts to:

A) the Department of Health and Human Services to intercept federal income tax refunds in accordance with federal instructions as follows:

- i) in IV-D AFDC and IV-E foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150 which has been in arrears for 3 months or longer; and

- ii) in IV-D Non-AFDC cases, past-due support owed to or for a minor child in an amount not less than \$500.

B) the Comptroller to intercept State income tax refunds and other State payments as follows:

- i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less;
- ii) in inactive IV-D AFDC and IV-E foster care cases, past-due support owed in any amount; and
- iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from

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this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be submitted for intercept;
- C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department or, after such redetermination,
 - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based, at the request of the responsible relative; and
- D) that the Internal Revenue Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.

4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.

5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:

- A) a hearing by the Department within 30 days from the date of mailing of the notice; or
 - B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within 10 days of the responsible relative's request. The Department shall be bound by the decision of the state with the order.

7) The Department shall proceed in accordance with 89 Ill. Adm. Code

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104.103 upon receipt of a request for a hearing.

- 8) The Department shall notify:
 - A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
 - B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept, in accordance with federal instructions;
 - C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and
 - D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.
- 9) The Department shall:
 - A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
 - B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.
- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) above and shall promptly apply:
 - A) federal income tax refunds first to satisfy any IV-D AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D Non-AFDC past-due support; and
 - B) State income tax refunds and other State payments to satisfy any active IV-D AFDC and IV-D foster care assigned past-due support, or first to satisfy active IV-D Non-AFDC past-due support and then to satisfy any IV-D AFDC and IV-D foster care assigned past-due support.
- 11) The Department shall inform individuals who receive IV-D Non-AFDC support enforcement services, in advance, of the following:
 - A) amounts intercepted under this subsection will be applied in accordance with Section 160.130;
 - B) any payment received by the IV-D Non-AFDC individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the

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- end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.
- d) Unemployment Insurance Benefits
 - 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.
 - 2) The Department shall take the following action:
 - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
 - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
 - C) establish the amount to be deducted by data entry to DES's computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) fifty percent (50%) of the Unemployment Insurance Benefit.
 - D) receive amounts deducted direct from DES.
 - E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
 - F) post each collection to the Department's payment record.
 - G) apply each collection to the current support obligation, then to past-due obligations.
 - H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
 - 3) The Department of Employment Security shall take the following action:
 - A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
 - B) pay all amounts deducted direct to the Department.
 - e) Contempt of Court and Other Legal Proceedings
 - 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one month support obligation, except as set forth in subsection (e)(2) below.
 - 2) Contempt proceedings shall not be used in the following instances:

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- A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
 - i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;
 - v) deceased; or
 - vi) otherwise situated making such action unproductive.
- B) other legal or administrative remedies are more appropriate under the circumstances.
- 3) Contempt and other legal proceedings shall be used to:
 - A) establish the amount of past-due support;
 - B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate;
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
 - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
 - D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
 - E) obtain full or partial payment of past due support through incarceration;
 - F) ascertain the responsible relative's source and amount of income or location and value of assets;
 - G) secure other enforcement relief; and
 - H) obtain any combination of the above.
- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving AFDC in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].
- f) Liens Against Real Estate and Personal Property
 - 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].
 - 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support

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- alleged in the petition, when both of the following circumstances exist:
- A) the past-due amount is at least \$10,000; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.
- 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].
 - 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than \$10,000 in excess of any statutory exemption.
 - g) Security, Bond or Other Guarantee of Payment
 - 1) Except as provided in subsections (g)(2) and (3) below, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].
 - 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
 - 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.
 - h) Past-Due Support Information to Consumer Reporting Agencies
 - 1) The Department shall, upon request of consumer reporting agencies, provide the following information concerning the payment records of responsible relatives in IV-D cases to such agencies when the amount of past-due support exceeds \$1,000:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support which has

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2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be reported;
- C) the date past-due support will be reported; and
- D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 30 days from the date of mailing of the notice.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:

- A) a request for
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
- B) payment in full of the amount of the past-due support stated in the
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.

6) The Department shall advise consumer reporting agencies of changes in the amount of the past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

i) Past-Due Support Certified to the Illinois Department of Revenue

1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Public Aid Code [305 ILCS 5/10-17.9]).

2) The Department may submit past-due support amounts to the Illinois Department of Revenue when the following conditions exist:

- A) Past-due support is owed for a child or for a child and the parent with whom the child is living;
- B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (i)(3) of this Section;

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C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and

D) the responsible relative is not deceased.

3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue, which advance notice shall inform the responsible relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be submitted for collection;

C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and

D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.

4) Factors for a satisfactory repayment plan will include, but are not limited to:

- A) the amount of past-due support owed;
- B) the amount to be paid toward the past-due amount;
- C) the amount of current child support obligations; and
- D) the individual's ability to pay.

5) The Department shall provide the Illinois Department of Revenue the following descriptive information on the responsible relative:

- A) name;
- B) social security number;
- C) IV-D identification number; and
- D) the past-due support amount.

6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue.

7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.

8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue, if certifying the balance had been stayed pursuant to subsection (i)(6) of this Section.

9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.

10) The Department shall notify the Clerk of the Court of the county

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in which the child support order was entered of any amount collected for posting to the court payment record.

11) The Department shall:

- A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or
- B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.

12) Other Remedies

The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 20 Ill. Reg. **1193**, effective
JAN 05 1996)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Adopted Action: Amendment
140.16
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: December 29, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 29, 1995
- 9) Notice of Proposal Published in Illinois Register: September 15, 1995 (19 Ill. Reg. 12937)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the proposed amendments.
Subsection (a)(3) has been revised to read "Such vendor violates records requirements".
Subsection (a)(9) has been revised to read "Such vendor engaged in practices prohibited by Federal or State law or regulation".
At the end of the first sentence in subsection (c), "Illinois State Scholarship Commission" has been changed to "Illinois Student Assistance Commission".
No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

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140.2	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.7	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.9	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.40	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.413	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.460	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.461	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.462	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.463	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.464	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.475	Amendment	November 17, 1995 (19 Ill. Reg. 15581)
140.478	Amendment	November 17, 1995 (19 Ill. Reg. 15581)
140.481	Amendment	November 17, 1995 (19 Ill. Reg. 15581)
140.485	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.570	Amendment	December 22, 1995 (19 Ill. Reg. 16778)
140.642	Amendment	November 27, 1995 (19 Ill. Reg. 15788)
140.920	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.922	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.924	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.926	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.928	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.930	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.932	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140. Table M	Amendment	October 20, 1995 (19 Ill. Reg. 14530)

15) Summary and Purpose of Amendments: The Department of Public Aid is adopting amendments concerning the suspension of eligibility to participate in the Medical Assistance Program when a provider is not in compliance with State income tax requirements, child support requirements of Article X of the Public Aid Code, or the repayment of educational loans guaranteed by the Illinois State Scholarship Commission. Under these amendments, a provider may prevent such suspension of eligibility by payment of past-due amounts in full or by entering into payment arrangements acceptable to the appropriate State agency.

The changes in Section 140.16 correspond to similar changes in 89 Ill. Adm. Code 104.221, which address administrative hearings that are initiated in response to situations as described above. The authority for both rulemakings is contained in Public Act 88-554 and Section 5-16.6 of the Public Aid Code [305 ILCS 5/5-16.6].

These amendments are not expected to result in any changes in Department expenditures.

16) Information and questions regarding these Adopted Amendments shall be directed to:

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Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

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Section

- 140.1 Incorporation By Reference
 140.2 Medical Assistance Programs
 140.3 Covered Services Under the Medical Assistance Programs
 140.4 Covered Medical Services Under AFDC-WANG for: non-pregnant persons who are 18 years of age or older (Repealed)
 140.5 Covered Medical Services Under General Assistance
 140.6 Medical Services Not Covered
 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
 140.8 Medical Assistance For Qualified Severely Impaired Individuals
 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
 140.12 Participation Requirements for Medical Providers
 140.13 Definitions
 140.14 Denial of Application to Participate in the Medical Assistance Program
 140.15 Recovery of Money
 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
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 140.20 Submittal of Claims
 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
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 140.24 Payment Procedures
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- 140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.31 Emergency Services Audits
 140.32 Prohibition on Participation, and Special Permission for Participation
 140.33 Publication of List of Terminated, Suspended or Barred Entities
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 140.40 Prior Approval for Medical Services or Items
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 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
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SUBPART C: PROVIDER ASSESSMENTS

Section

- 140.80 Hospital Provider Fund
 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 140.95 Hospital Services Trust Fund
 140.96 General Requirements (Recodified)
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 140.99 Hospital Services Not Covered (Recodified)
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 140.101 Transplants (Recodified)
 140.102 Heart Transplants (Recodified)
 140.103 Liver Transplants (Recodified)
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 140.110 Disproportionate Share Hospital Adjustments (Recodified)
 140.116 Payment for Inpatient Services for GA (Recodified)
 140.117 Hospital Outpatient and Clinic Services (Recodified)
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.203 Limits on Length of Stay by Diagnosis (Recodified)
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
 140.350 Copayments (Recodified)
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 140.361 Non-Participating Hospitals (Recodified)

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 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
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 140.367 Inflation Adjustment (Recodified)
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 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
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 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140.400 Payment to Practitioners, Nurses and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
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 140.416 Optometric Services and Materials
 140.417 Limitations on Optometric Services
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 140.420 Dental Services
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SUBPART G: HEALTHY MOMS/HEALTHY KIDS PROGRAM

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TABLE K. Services Qualifying for 10% Add-On

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TABLE M. Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective June 1, 1984; maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 29, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective

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July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 29, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table A and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988,

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for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective June 12, 1990; amended at 14 Ill. Reg. 10062, 1990; emergency amendment at 14 Ill. Reg. 10409, effective June 19, 1990; maximum of 150 days; amended at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective

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January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; maximum of 150 days; emergency amendment November 24, 1993; emergency amendment at 17 Ill. Reg. 20999, effective November 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150

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days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14136, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 12104, effective DEC 29 1995.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

- a) The Department may terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program, or terminate or not renew a vendor's provider agreement, when it determines that, at any time:
 - 1) Such vendor is not complying with the Department's policy or rules, or with the terms and conditions prescribed by the Department in any vendor agreement developed as a result of negotiations with the vendor category, or with the covenants contained in certifications bearing the vendor's signature on claims submitted to the Department by the vendor, or with restrictions on participation imposed pursuant to Section 140.32(f);
 - 2) Such vendor is not properly licensed or qualified, or such vendor's professional license, certificate or other authorization has not been renewed or has been revoked, suspended or otherwise terminated as determined by the appropriate licensing, certifying or authorizing agency;
 - 3) Such vendor violates ~~violates~~ records requirements
 - A) Such vendor has failed to keep or make available for inspection, audit or copying (including photocopying), after receiving a written request from the Department, such records as are required to be maintained by the Department or as are necessary to fully disclose the

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- ii) such records as are required to be maintained by the Department regarding payments claimed for providing services.
- B) This Section does not require vendors to make available medical records of patients for whom services are not reimbursed under the Illinois Public Aid Code;
- 4) Such vendor has failed to furnish any information requested by the Department regarding payments for providing goods or services, or has failed to furnish all information required by the Department in connection with the rendering of services or supplies to recipients of public assistance by the vendor, his agent, employer or employee;
- 5) Such vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the Medical Assistance Program. For purposes of this Section, statements or representations made "knowingly" shall include statements or representations made with actual knowledge that they were false as well as those statements made when the individual making the statement had knowledge of such facts or information as would cause one to be aware that the statements or representations were false when made;
- 6) Such vendor has submitted claims for services or supplies which were not rendered or delivered by that vendor;
- 7) Such vendor has furnished goods or services to a recipient which, when based upon competent medical judgment and evaluation, are determined to be:
 - A) in excess of the recipient's needs,
 - B) harmful to the recipient (for the purpose of this Section, "harmful" goods or services caused actual harm to a recipient or placed a recipient at risk of harm, or of adverse side effects which outweigh the medical benefits sought to be provided), or
 - C) of grossly inferior quality;
- 8) Such vendor knew or should have known that a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an investor in the vendor; a technical or other advisor of the vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor was previously terminated or barred from participation in the Medical Assistance Program;
- 9) Such vendor engaged ~~engaged~~ in practices prohibited by Federal or State law or regulation
 - A) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of

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ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor, or a partner in a partnership which is a vendor, either:

- i) has engaged in practices prohibited by applicable Federal or State law or regulation; or
- ii) was a person with management responsibility for a vendor at the time that such vendor engaged in practices prohibited by applicable Federal or State law or regulation; or
- iii) was an officer, or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a vendor at the time such vendor engaged in practices prohibited by applicable Federal or State law or regulation; or
- iv) was an owner of a sole proprietorship or partner of a partnership which was a vendor at the time such vendor engaged in practices prohibited by applicable Federal or State law or regulation;

B) For purposes of subsection (a)(9) of this Section "applicable Federal or State law or regulation" shall include licensing or certification standards contained in State or Federal law or regulations related to the Medical Assistance Program, any other licensing standards as they relate to the vendor's practice or business or any Federal or State laws or regulations related to the Medical Assistance Program;

C) For purposes of subsection (a)(9) of this Section conviction or a plea of guilty to activities violative of applicable Federal or State law or regulation shall be conclusive proof that such activities were engaged in;

- 10) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor, or a partner in a partnership which is a vendor, has been convicted in this or any other State, or in any Federal Court, of any felony not related to the Medical Assistance Program, if such felony constitutes grounds for disciplinary action under the licensing act applicable to that individual or vendor;

- 11) The direct or indirect ownership of the vendor (including the ownership of a vendor that is a sole proprietorship, a partner's interest in a vendor that is a partnership, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor) has been transferred by an individual who is terminated or barred from participating as a vendor to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

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- b) If any of the activities described in subsections (a)(1) through (a)(9) above were engaged in prior to December 1, 1977, they may be used as the basis for termination only if the vendor had actual or constructive knowledge of the requirements which applied to his conduct or activities.

- c) The Department may suspend a vendor's eligibility to participate in the Medical Assistance Program if the vendor is not in compliance with State income tax requirements, child support payments in accordance with Article X of the Public Aid Code, or educational loans guaranteed by the Illinois Student Assistance Commission. The vendor may prevent suspension of eligibility by payment of past-due amounts in full or by entering into payment arrangements acceptable to the appropriate State agency.

(Source: Amended -- at 20 Ill. Reg. **1210**, effective **DEC 29 1993**)

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- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) Section Number: Adopted Action:
104.221 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: December 29, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 29, 1995
- 9) Notice of Proposal Published in Illinois Register: September 8, 1995 (19 Ill. Reg. 12604)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the proposed amendments.
Technical changes have been made in the Main Source Note following the initial section outline.
In subsection (a), the comma after "certificate or authorization" has been stricken.
In subsections (a), (c) and (d), the words "or not" after "shall be whether" have been stricken.
In subsection (g), "Section" has been changed to "89 Ill. Adm. Code" and "Illinois State Scholarship Commission" has been changed to "Illinois Student Assistance Commission".
No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No

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- 14) Are there any Amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
104.105	Amendment	November 13, 1995 (19 Ill. Reg. 15353)
104.207	Amendment	November 13, 1995 (19 Ill. Reg. 15353)
104.213	Amendment	November 13, 1995 (19 Ill. Reg. 15353)
104.249	Amendment	November 13, 1995 (19 Ill. Reg. 15353)

- 15) Summary and Purpose of Amendments: The Department of Public Aid is adopting amendments concerning administrative hearings that are initiated when a provider in the Medical Assistance Program is not in compliance with State income tax requirements, child support requirements of Article X of the Public Aid Code, or the repayment of educational loans guaranteed by the Illinois State Scholarship Commission. The Department may suspend a provider's eligibility to participate in the Medical Assistance Program, if the provider is not in compliance with these requirements. The provider may prevent such suspension by paying past-due amounts in full or by entering into payment arrangements acceptable to the appropriate State agency.

The changes in Section 104.221 correspond to similar changes that have been made in 89 Ill. Adm. Code 140.16(c), which address suspension of eligibility to participate in the Medical Assistance Program. The authority for both rulemakings is contained in Public Act 88-554 and Section 5-16.6 of the Public Aid Code [305 ILCS 5/5-16.6].

These amendments are not expected to result in any changes in Department expenditures.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

104.100	Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Funds
104.104	Conduct of Other Hearings

SUBPART C: MEDICAL VENDOR HEARINGS

Section

104.200	Applicability
104.202	Definitions
104.204	Notice of Denial of an Application
104.206	Notice of Intent to Recover Money
104.208	Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
104.209	Notice of Intent to Certify Past-Due Support Owed by a Responsible

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Relative to a State Licensing Agency and to Take Disciplinary Action
Right to Hearing

104.210	Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.211	Prior Factual Determinations
104.212	Notice of Formal Conference
104.215	Formal Conference on Recovery of Money
104.216	Purpose of Formal Conference
104.217	Notice of Hearing
104.220	Issues at Hearings
104.221	Legal Counsel
104.225	Appearance of Attorney or Other Representative
104.226	Notice, Service and Proof of Service
104.230	Form of Papers
104.231	Discovery
104.235	Conduct of Hearings
104.241	Amendments
104.242	Motions
104.243	Subpoenas
104.244	Burden of Proof
104.245	Witness at Hearings
104.246	Evidence at Hearings
104.247	Cross-Examination
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section

104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

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SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

- 104.400 Suspected Intentional Violation of the Program
 104.410 Advance Notice of Administrative Disqualification Hearing
 104.420 Postponement of Hearing
 104.430 Administrative Disqualification Hearing Procedures
 104.440 Failure to Appear
 104.450 Participation While Awaiting a Hearing
 104.460 Consolidation of Administrative Disqualification Hearing with Fair Hearing
 104.470 Administrative Disqualification Hearing Decision and Notice of Decision
 104.480 Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

- Section
 104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: MEDICAL VENDOR HEARINGS

Section 104.221 Issues at Hearings

- a) The sole issue at a hearing where the basis for denial of an application pursuant to 89 Ill. Adm. Code 140.14(d) is that the vendor does not have a necessary license, certificate or authorization shall be whether ~~or not~~ the vendor has such a license, certificate or authorization.
- b) The sole issue at a hearing where the basis of the denial of an application is as set forth in 89 Ill. Adm. Code 140.14(b) shall be whether the vendor has demonstrated, according to the factors listed in that Section, in light of the prior activities, that he should be admitted to the Medical Assistance Program.
- c) The sole issue at a hearing where the basis for termination is as set forth in 89 Ill. Adm. Code 140.16(a)(2) shall be whether ~~or not~~ the appropriate licensing, certifying or authorizing agency has determined that the vendor does not have a necessary license, certification or authorization.
- d) The sole issue at a hearing requested by a previously suspended vendor that is being terminated pursuant to 89 Ill. Adm. Code 140.19(b) shall be whether ~~or not~~ the vendor has corrected the deficiencies on which the suspension was based.
- e) At a hearing conducted pursuant to Subpart D of this Part, the sole relevant time with respect to the existence of the violations of the Department's requirements alleged in the notice shall be the date or dates in the notice.
- f) The only issues at a hearing initiated pursuant to Section 104.209 are whether the responsible relative has or is applying for a license, the amount, if any, of delinquent child support owed pursuant to a support order entered by a court or administrative body, and whether the responsible relative is more than 30 days delinquent.
- g) The only issue at a hearing initiated pursuant to 89 Ill. Adm. Code 140.16(c) is whether the vendor is not in compliance with State income tax requirements, child support requirements of Article X of the Public Aid Code, or educational loans guaranteed by the Illinois Student Assistance Commission.

(Source: Amended at 20 Ill. Reg. 1229, effective
 DEC 29 1995)

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Newborn Metabolic Screening and Treatment Code
- 2) Code Citation: 77 Ill. Adm. Code 661
- 3) Section Numbers: 661.70
- 4) Date Proposal published in Illinois Register: June 30, 1995; 19 Ill. Reg. 8526
- 5) Date Adoption published in Illinois Register: November 17, 1995; 19 Ill. Reg. 15720
- 6) Summary and Purpose of Expedited Correction: When amendments to the Newborn Metabolic Screening Code were filed with the Secretary of State's Office for proposal, a sentence that had been repealed previously from Part 661 was inadvertently included, without underlining, in Section 661.70. Joint Committee on Administrative Rules staff underlined the sentence in the copy of the rules that was published in the *Illinois Register* and indicated that the sentence was being underlined on the cover sheet that was sent to the Department with the proposed amendments. The error was carried to the adoption of the amendments. The previously repealed sentence was included in the adopted amendments, which became effective November 1, 1995. The Department is requesting that the sentence in Section 661.70 that states, "Samples for applicants and recipients of public assistance under the Public Aid Code [305 ILCS 5] shall not be assessed a fee." be deleted through the expedited correction process because this sentence was unintentionally included in this rulemaking and does not accurately represent the Department's policy in this area. The full text of Section 661.70, indicating the correction, begins on the following page:
- 7) Information and questions regarding this request shall be directed to:

Gail M. DeVito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-6187

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 1: MATERNAL AND CHILD HEALTH
PART 661
NEWBORN METABOLIC SCREENING AND TREATMENT CODE

Section	Responsibility
661.10	Definitions
661.15	Collection of Blood and Submission of Specimens
661.20	Interpretation of Results
661.30	Designation of Consultants
661.35	Reports
661.40	Diagnosis and Treatment
661.50	Exemption
661.60	Fee Assessment and Payment
661.70	

AUTHORITY: Implementing and authorized by the Phenylketonuria Testing Act [410 ILCS 240].

SOURCE: Adopted December 14, 1973; emergency rules at 3 Ill. Reg. 28, p. 224, effective June 28, 1979, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 48, p. 42, effective November 20, 1979; amended at 5 Ill. Reg. 4593, effective April 15, 1981; amended and codified at 8 Ill. Reg. 19041, effective September 26, 1984; amended at 11 Ill. Reg. 12921, effective August 1, 1987; amended at 13 Ill. Reg. 15079, effective October 1, 1989; amended at 14 Ill. Reg. 13232, effective August 15, 1990; amended at 17 Ill. Reg. 13609, effective August 1, 1993; amended at 19 Ill. Reg. 15720, effective November 1, 1995; expedited correction at 20 Ill. Reg. _____, effective November 1, 1995.

Section 661.70 Fee Assessment and Payment

- a) Each person who submits to the Department any sample for newborn screening shall be assessed a fee of \$25.00 for such analysis unless specimens are requested by the Department for follow-up purposes. ~~Samples for applicants and recipients of public assistance under the Public Aid Code [305 ILCS 5] shall not be assessed a fee.~~
- b) Statements of fee assessment shall be mailed to persons submitting specimens for analysis on a monthly basis.
- c) Payment shall be rendered to the Department upon receipt of the monthly statement of fee assessment.

(Source: Expedited Correction at 20 Ill. Reg. _____ effective November 1, 1995)

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

Pursuant to Section 9 of the Prevailing Wage Act, 820 ILCS 130/9 (1994), the Illinois Department of Labor will convene a public hearing to investigate and ascertain the classification(s) of craft(s), or type of worker(s), or mechanic(s) engaging in landscaping work on public works projects in Cook County, DuPage County, Kane County, Lake County, McHenry County, and Will County, State of Illinois, and the prevailing rate of wages for the classification(s).

1) Date, Time and Location of Public Hearing:

Friday, February 16, 1996
10:00 A.M.
Illinois Department of Labor
160 North LaSalle St., Suite C-1300
Chicago, Illinois 60601

2) Other Pertinent Information:

Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Labor will adhere to the following procedures in the conduct of the hearing:

- a) No oral testimony shall exceed an aggregate of forty-five (45) minutes.
- b) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
- c) No person will be recognized to speak for a second time until all persons wishing to testify have done so.
- d) Subject to these requirements, when the hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be offered in written form.
- e) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as s/he deems necessary.

3) Name and Address of Agency Contact Person:

Questions regarding the public hearing shall be directed to:

Scott D. Miller, Chief Legal Counsel
Illinois Department of Labor

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

160 North LaSalle St., Suite C-1300
Chicago, Illinois 60601
(312) 793-1805

DEPARTMENT OF THE LOTTERY

NOTICE OF PUBLIC INFORMATION

Pursuant to the provisions of 20 ILCS 1605/7.1, the Illinois Department of the Lottery shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications issued by the Department during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 1995.

Departmental Directive #95-06: "Special Game Designation: Caesars Palace Program"

Departmental Directive #96-01: "Special Game Designation: Holiday Cash, Game #92"

Departmental Directive #96-02: "Special Game Designation: Home for the Holidays Lotto Promotion"

Game Rules - Instant Game No. 57, "Win for Life II"

Game Rules - Instant Game No. 58, "Lucky 7's"

Game Rules - Instant Game No. 59, "7-11-21"

Game Rules - Instant Game No. 60, "Double Doubler"

Game Rules - Instant Game No. 61, "Nifty Fifties"

Game Rules - Instant Game No. 62, "Amazon 8's"

Game Rules - Instant Game No. 63, "Money Tree"

Game Rules - Instant Game No. 64, "King Kong Cash"

Game Rules - Instant Game No. 65, "Zodiac Tripler"

Game Rules - Instant Game No. 66, "Go for the Green"

Game Rules - Instant Game No. 67, "Caesars Palace"

Game Rules - Instant Game No. 68, "Red Hot/Real Cool Double Doubler"

Game Rules - Instant Game No. 69, "High Card"

Game Rules - Instant Game No. 70, "3 Times Lucky"

Game Rules - Instant Game No. 71, "Gone Fishin'"

Game Rules - Instant Game No. 72, "Double Barrel/Double Feature"

Game Rules - Instant Game No. 73, "Prairie Gold"

Game Rules - Instant Game No. 74, "First 'N Ten"

Game Rules - Instant Game No. 75, "Illinois Instant Riches"

Game Rules - Instant Game No. 76, "Magic Money"

Game Rules - Instant Game No. 77, "Winter Green"

Game Rules - Instant Game No. 78, "Loose Change"

Game Rules - Instant Game No. 79, "7-11-21"

Game Rules - Instant Game No. 80, "Super 7 Bingo"

Game Rules - Instant Game No. 81, "Wild Witches"

Game Rules - Instant Game No. 82, "Holiday Cash"

Game Rules - Instant Game No. 83, "Holiday Gift"

Game Rules - Instant Game No. 84, "New Year's Cash"

Game Rules - Instant Game No. 85, "Holiday Bingo"

Game Rules - Instant Game No. 87, "Wild Bingo"

Game Rules - Instant Game No. 88, "Mega Money"

Game Rules - Instant Game No. 90, "Power Play"

Game Rules - Instant Game No. 91, "Happy Valentine's Day"

Game Rules - Instant Game No. 93, "Hot 7's"

On-Line Game Rules, revision dated January 27, 1995

DEPARTMENT OF THE LOTTERY

NOTICE OF PUBLIC INFORMATION

Illinois Instant Riches TV Game Show Procedures, revised effective January 28, 1995; revised effective June 23, 1995; revised effective with show broadcast August 19, 1995

"Caesars Palace Instant Game Second Chance Sweepstakes" Official Rules & Procedures

"Caesars Palace Lotto Promotion" Official Rules & Procedures

"Home for the Holidays Lotto Promotion" Official Rules & Procedures

"Win for Life 2nd Chance Drawing" Official Drawing Procedures

"King Kong Cash 2nd Chance Grand Prize Drawing" Drawing Procedures

Lottery News: Instant Ticket Claim Dates

"Illinois Instant Riches" Game Show Summary

"Caesars Palace" Promotion Winners List

"Home for the Holidays" Promotion Winners List

1995 Winning Numbers Lists (Pick 3, Pick 4, Little Lotto, Lotto)

Instant Game Prize List

Lottery News - "The Illinois Lottery: How to Play and Win" (Updated)

Lottery Financial History, Sales by Game

Copies of the foregoing may be obtained by submitting a written request to:

Freedom of Information Officer

Illinois Department of the Lottery

P. O. Box 19080

Springfield, Illinois 62794-9080

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Services Delivered by the Department

2) Code Citation: 89 Ill. Adm. Code 302

3) Register Citation to Notice of Proposed Rules: 19 Ill. Reg. 16338; December 15, 1995

4) Date, Time and Location of Public Hearing:

January 24, 1996
2:00 P.M. to 4:00 P.M.
Child Welfare Training Institute
227 South Seventh Street
Springfield, Illinois

January 25, 1996
2:00 P.M. to 4:00 P.M.
Ninth Floor, Room 903
James R. Thompson Center
100 West Randolph
Chicago, Illinois

5) Other Pertinent Information: Persons are asked to limit their testimony to a maximum of 10 minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures. Written comments will be accepted until January 29, 1996. Please submit all comments to:

Name: Jacqueline Nottingham, Chief
Department of Children and Family Services
Office of Rules and Procedures
406 E. Monroe, Station #222
Springfield, IL 62701-1498

Telephone: Voice: (217) 524-1983
TTY: (217) 524-3715

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

1) Heading of the Part: Transfer of Violent Juvenile Offenders to the Department of Corrections

2) Code Citation: 89 Ill. Adm. Code 312

3) Register Citation to Notice of Proposed Rules:

20 Ill. Reg. 924; January 12, 1996

4) Date, Time and Location of Public Hearing:

January 24, 1996
9:00 A.M. to Noon
Child Welfare Training Institute
227 South Seventh Street
Springfield, Illinois

January 26, 1996
9:00 A.M. to Noon
Room C-500
160 North LaSalle, 5th Floor
Chicago, Illinois

5) Other Pertinent Information: Persons are asked to limit their testimony to a maximum of 10 minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures. Written comments will be accepted until February 26, 1996. Please submit all comments to:

Name: Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe, Station #222
Springfield, IL 62701-1498

Telephone/Voice: (217) 524-1983
TTY: (217) 524-3715

DEPARTMENT OF AGRICULTURE

JANUARY, 1996 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Farmland Preservation Act, 8 Ill. Adm. Code 700.

1) Rulemaking:

A) Description: The Farmland Preservation Act requires that state agency policy statements and working agreements on farmland preservation shall be updated by the state agency and reviewed and approved by the Department of Agriculture every three years. The purpose of the rulemaking activity is to update the policy statements and working agreements, as necessary, to protect Illinois' agricultural land base from needless state agency farmland conversion impacts.

B) Statutory Authority: Farmland Preservation Act [505 ILCS 75].

C) Schedule meeting/hearing date: No meetings are scheduled at this time.

D) Date Agency anticipates First Notice: March, 1996.

E) Effect on small businesses, small municipalities or not-for-profit corporations: No impacts anticipated.

F) Agency contact person for information:

Name: Steven D. Chard
Address: Illinois Department of Agriculture,
Bureau of Farmland Protection, P.O. Box 19281,
Springfield, IL 62794-9281.
Telephone: 217/782-6297 FAX: 217/524-4882

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Illinois Seed Law, 8 Ill. Adm. Code 230

1) Rulemaking:

A) Description: The rule changes will allow the Department to offer different tests that are currently available for seed products and allow the establishment of fees for these tests (i.e., T2, seed count, etc.). These rules allow for the Department to update its services offered to those groups or individuals wishing to utilize them.

B) Statutory Authority: Illinois Seed Law [505 ILCS 110].

DEPARTMENT OF AGRICULTURE

JANUARY, 1996 REGULATORY AGENDA

- C) Schedule meeting/hearing date: Written comments may be sent to the attention of Mark Ringler at the address below prior to March 1, 1996.

D) Date Agency anticipates First Notice: April, 1996.

E) Effect on small businesses, small municipalities or not-for-profit corporations: No adverse impact is expected.

F) Agency contact person for information:

Name: Mark Ringler
Address: Illinois Department of Agriculture,
Bureau of Agricultural Products Inspection, P.O.
Box 19281, Springfield, IL 62794-9281.
Telephone: 217/785-1082 FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, and Storage Facilities, 8 Ill. Adm. Code 215

1) Rulemaking:

A) Description: The rule changes would adopt many of the national standards for the safe handling of anhydrous ammonia. It would allow the Department to utilize new technology and equipment developed since the last rulemaking.

B) Statutory Authority: Illinois Fertilizer Act of 1961 [505 ILCS 80].

- C) Schedule meeting/hearing date: Written comments may be sent to the attention of Mark Ringler at the address below prior to April 1, 1996.

D) Date Agency anticipates First Notice: July, 1996.

E) Effect on small businesses, small municipalities or not-for-profit corporations: No adverse impact is expected.

F) Agency contact person for information:

Name: Mark Ringler
Address: Illinois Department of Agriculture,
Bureau of Agricultural Products Inspection, P.O.
Box 19281, Springfield, IL 62794-9281.
Telephone: 217/785-1082 FAX: 217/524-7801

DEPARTMENT OF AGRICULTURE

JANUARY, 1996 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None

ILLINOIS COMMERCE COMMISSION

JANUARY 1996 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Standard Filing Requirements for Electric, Gas, Water and Sewer Utilities and Telecommunications Carriers in Filing for an Increase in Rates, 83 Ill. Adm. Code 285.

1) Rulemaking:

- A) Description: This rulemaking proceeding is examining the required data that must be filed with the Commission when any of the subject entities files a general rate increase. This material is reviewed by Commission staff in preparation of the rate case.
- B) Statutory Authority: Implementing Section 9-211 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201 and 10-101].
- C) Scheduled meeting/hearing dates: Persons interested in participating in the proceeding should file a petition to intervene in docket 93-0351.
- D) Date agency anticipates First Notice: Undetermined
- E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect any subject utilities or local exchange carriers that are also small businesses.
- F) Agency contact person for information:
Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706
Telephone: 217/782-7434
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 1996 REGULATORY AGENDA

- a) Parts(s) (Heading and Code Citation): General Hunting and Trapping on Department-Owned or -Managed Sites, 17 Ill. Adm. Code 510

1) Rulemaking:

- A) Description: Establishes general hunting and trapping regulations
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a28].

- C) Scheduled meeting/hearing date: None

- D) Date agency anticipates First Notice: March 1996

- E) Affect on small businesses, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related Rulemakings and other pertinent information: None

- b) Parts(s) (Heading and Code Citation): Nuisance Wildlife Control Permits, 17 Ill. Adm. Code 525

1) Rulemaking:

- A) Description: Regulations for the taking, possession, transport, and disposition of Protected Species which are causing damage to property or a risk to human health or safety and the issuance of Nuisance Wildlife Control Permits.

- B) Statutory Authority: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37].

- C) Scheduled meeting/hearing date: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 1996 REGULATORY AGENDA

- D) Date agency anticipates First Notice: January 1996

- E) Affect on small businesses, small municipalities or not-for-profit corporations: Drainage districts and recipients of Nuisance Animal Removal Permits are exempt from the provisions of this Part.

- F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related Rulemakings and other pertinent information: None

- c) Parts(s) (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting; 17 Ill. Adm. Code 530

1) Rulemaking:

- A) Description: Outlines regulations for the hunting of these species

- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

- C) Scheduled meeting/hearing date: None

- D) Date agency anticipates First Notice: March 1996

- E) Affect on small businesses, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related Rulemakings and other pertinent information: None

- d) Parts(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk,

DEPARTMENT OF NATURAL RESOURCES

JANUARY 1996 REGULATORY AGENDA

Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting; 17 Ill. Adm. Code 550

1) Rulemaking:

- A) Description: Outlines regulations for the hunting of these species.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: March 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

e) Parts(s) (Heading and Code Citation): Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping; 17 Ill. Adm. Code 570

1) Rulemaking:

A) Description: Outlines the regulations for the trapping of these species

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: March 1996

E) Affect on small businesses, small municipalities or

DEPARTMENT OF NATURAL RESOURCES

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not-for-profit corporations: None

F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

f) Parts(s) (Heading and Code Citation): Duck, Goose and Coot Hunting, 17 Ill. Adm. Code 590

1) Rulemaking:

A) Description: Rules governing the hunting of duck, goose and coot

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: March 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

g) Parts(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Firearms, 17 Ill. Adm. Code 650

1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

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- A) Description: Department's rules governing the hunting of white-tailed deer by use of firearms
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

h) Parts(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Muzzleloading Rifles, 17 Ill. Adm. Code 660

1) Rulemaking:

A) Description: Department's rules governing the hunting of white-tailed deer by use of muzzleloading rifles

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jack Price
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

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524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

i) Parts(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Bow and Arrow, 17 Ill. Adm. Code 670

1) Rulemaking:

A) Description: Department's rules governing the hunting of white-tailed deer by use of bow and arrow

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

j) Parts(s) (Heading and Code Citation): White-Tailed Deer Hunting Season by Use of Handguns, 17 Ill. Adm. Code 680

1) Rulemaking:

A) Description: Department's rules governing the hunting of white-tailed deer by use of handguns

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

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- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: March 1996
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
 Jack Price
 Department of Natural Resources
 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809
- G) Related Rulemakings and other pertinent information: None
- K) Parts(s) (Heading and Code Citation): Youth Deer Hunting Regulations, 17 Ill. Adm. Code 685
- 1) Rulemaking:
- A) Description: New Administrative Rule regarding youth deer hunting
- B) Statutory Authority:
- C) Schedule meeting/hearing date: None
- D) Date agency anticipates First Notice: March 1996
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
 Jack Price
 Department of Natural Resources
 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809
- G) Related Rulemakings and other pertinent information: None
- 1) Parts(s) (Heading and Code Citation): Squirrel Hunting, 17 Ill. Adm. Code 690
- 1) Rulemaking:

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- A) Description: Regulations for squirrel hunting
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: March 1996
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
 Jack Price
 Department of Natural Resources
 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809
- G) Related Rulemakings and other pertinent information: None
- m) Parts(s) (Heading and Code Citation): The Taking of Wild Turkeys - Fall Gun Season, 17 Ill. Adm. Code 715
- 1) Rulemaking:
- A) Description: Regulations for turkey hunting - fall gun season
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: March 1996
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
 Jack Price
 Department of Natural Resources
 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809

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G) Related Rulemakings and other pertinent information: None

n) Parts(s) (Heading and Code Citation): The Taking of Wild Turkeys - Fall Archery Season, 17 Ill. Adm. Code 720

1) Rulemaking:

A) Description: Rules for turkey hunting - fall archery season

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11).

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: March 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

o) Parts(s) (Heading and Code Citation): Dove Hunting, 17 Ill. Adm. Code 730

1) Rulemaking:

A) Description: Dove hunting regulations

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5].

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: March 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

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F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

p) Parts(s) (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting, 17 Ill. Adm. Code 740

1) Rulemaking:

A) Description: Hunting regulations

B) Statutory Authority: Implementing and authorized by Section 63a25 of the Civil Administrative Code [20 ILCS 805/63a25] and Section 1 the Boat Registration and Safety Act [625 ILCS 45/10-1].

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: March 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

q) Parts(s) (Heading and Code Citation): Field Trials on Department-Owned or Managed Sites, 17 Ill. Adm. Code 910

1) Rulemaking:

A) Description: Regulations for field trials held on department-owned or managed sites

B) Statutory Authority: Implementing and authorized by Sections

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1.3, 1.4, 2.30, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.30, 2.34, 3.1 and 3.5]

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: March 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

r) Parts(s) (Heading and Code Citation): Field Trials on Non-Department Owned or Managed Lands, 17 Ill. Adm. Code 930

1) Rulemaking:

A) Description: Regulations for field trials on non-department owned or managed lands

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.30, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.30, 2.34, 3.1 and 3.5].

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: March 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

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s) Parts(s) (Heading and Code Citation): Dog Training on Non-Department Owned or -Managed Lands, 17 Ill. Adm. Code 960

1) Rulemaking:

A) Description: Regulations for dog training on non-department owned or -managed lands

B) Statutory Authority: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: March 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

t) Parts(s) (Heading and Code Citation): Illinois Oil and Gas Act, 62 Ill. Adm. Code 240

1) Rulemaking:

A) Description: The Department will promulgate rules that clarify a series of administrative, operational and enforcement procedures relating to the Oil and Gas Division of the Office of Mines and Minerals within the Department of Natural Resources. In addition, the proposed rules will implement changes in the Illinois Oil and Gas Act pursuant to P.A. 89-243. Finally, the proposed rules will implement the agency reorganization established by P.A. 89-50.

B) Statutory Authority: Implementing and authorized by Sections 6 and 8a of the Illinois Oil and Gas Act [225 ILCS 721/6 and 725/8].

C) Scheduled meeting/hearing date: Written comments may be submitted within 45 days after publication of the proposed

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amendments. A public hearing will be held if requested.

D) Date agency anticipates First Notice: On or before July 1, 1996.

E) Affect on small businesses, small municipalities or not-for-profit corporations: The proposed amendments will allow for small oil and gas permittees to conduct their operations in a more cost-effective manner. The proposed amendments will have no impact on small municipalities or not for profit corporations.

F) Agency contact person for information:

Lawrence E. Bengal, Supervisor
Oil and Gas Division
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
Telephone: 217/782-6791

G) Related Rulemakings and other pertinent information: None

DEPARTMENT OF CORRECTIONS

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a) Part(s) (Heading and Code Citation): Chaplaincy, 20 Ill. Adm. Code 425

1) Rulemaking:

A) Description: The Department is currently reviewing its rules regarding chaplaincy services and religious practices. As a result of that review, changes may need to be promulgated as rules.

B) Statutory Authority: 730 ILCS 5/3-2-2

C) Scheduled meeting/hearing dates: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before July 1, 1996.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277
(217) 522-2666, extension 6001

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Work Release, 20 Ill. Adm. Code 455

1) Rulemaking:

A) Description: The Department is currently reviewing its work release program rules and may be initiating rulemaking to make changes or clarifications.

B) Statutory Authority: 730 ILCS 5/3-2-2 and 3-13-1

C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

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- D) Date agency anticipates First Notice: On or before July 1, 1996.
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
 Donald N. Snyder, Jr., Deputy Director
 Illinois Department of Corrections
 1301 Concordia Court
 P.O. Box 19277
 Springfield, IL 62794-9277
 (217) 522-2666, extension 6001

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Rights and Privileges, 20 Ill. Adm. Code 525

1) Rulemaking:

- A) Description: The Department is updating and clarifying its rules regarding mail, telephone, visits, and marriage of committed persons.
- B) Statutory Authority: 730 ILCS 5/3-2-2
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during First Notice Period per instructions which will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before February 1, 1996.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Donald N. Snyder, Jr., Deputy Director
 Illinois Department of Corrections
 1301 Concordia Court
 P.O. Box 19277
 Springfield, IL 62794-9277
 (217) 522-2666, extension 6001

DEPARTMENT OF CORRECTIONS

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- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Authorized Absences, 20 Ill. Adm. Code 530

1) Rulemaking:

- A) Description: The Department is currently reviewing the rule regarding authorized absences and, if necessary, rule changes will be promulgated.
- B) Statutory Authority: 730 ILCS 5/3-2-2 and 3-11-1
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before July 1, 1996.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Donald N. Snyder, Jr., Deputy Director
 Illinois Department of Corrections
 1301 Concordia Court
 P.O. Box 19277
 Springfield, IL 62794-9277
 (217) 522-2666, extension 6001

e) Part(s) (Heading and Code Citation): Personal Property, 20 Ill. Adm. Code 535

1) Rulemaking:

- A) Description: The Department is currently reviewing its personal property rules and will promulgate rule changes if necessary.

B) Statutory Authority: 730 ILCS 5/3-2-2

- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

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- D) Date agency anticipates First Notice: On or before July 1, 1996.
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
 Donald N. Snyder, Jr., Deputy Director
 Illinois Department of Corrections
 1301 Concordia Court
 P.O. Box 19277
 Springfield, IL 62794-9277
 (217) 522-2666, extension 6001
- G) Related rulemaking and other pertinent information: None

- f) Part(s) (Heading and Code Citation): County Jail Standards, 20 Ill. Adm. Code 701

1) Rulemaking:

- A) Description: A committee of sheriffs and departmental staff are currently reviewing the standards to determine changes and clarifications needed.
- B) Statutory Authority: 730 ILCS 5/3-2-2 and 3-15-2
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before May 1, 1996.
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
 Donald N. Snyder, Jr., Deputy Director
 Illinois Department of Corrections
 1301 Concordia Court
 P.O. Box 19277
 Springfield, IL 62794-9277
 (217) 522-2666, extension 6001
- G) Related rulemakings and other pertinent information: None

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- g) Part(s) (Heading and Code Citation): County Juvenile Detention Standards, 20 Ill. Adm. Code 702

1) Rulemaking:

- A) Description: The Department will be reviewing this rule to determine whether any changes are needed. If so, amendments will be promulgated.
- B) Statutory Authority: 730 ILCS 5/3-2-2 and 3-15-2
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 1996.
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
 Donald N. Snyder, Jr., Deputy Director
 Illinois Department of Corrections
 1301 Concordia Court
 P.O. Box 19277
 Springfield, IL 62794-9277
 (217) 522-2666, extension 6001
- G) Related rulemakings and other pertinent information: None

- h) Part(s) (Heading and Code Citation): County Shelter Care Standards, 20 Ill. Adm. Code 703

1) Rulemaking:

- A) Description: The Department will initiate a review and promulgate rule changes if necessary.
- B) Statutory Authority: 730 ILCS 5/3-2-2
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

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- D) Date agency anticipates First Notice: On or before July 1, 1996.
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277
(217) 522-2666, extension 6001
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Municipal Jail and Lockup Standards, 20 Ill. Adm. Code 720
- 1) Rulemaking:
- A) Description: The Department will initiate a review of this rule and promulgate rule changes if necessary.
- B) Statutory Authority: 730 ILCS 5/3-2-2 and 3-15-2
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 1996.
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277
(217) 522-2666, extension 6001
- G) Related rulemakings and other pertinent information: None

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- j) Part(s) (Heading and Code Citation): Secure Residential Youth Care Facilities, 20 Ill. Adm. Code 801
- 1) Rulemaking:
- A) Description: The Department will be amending current rules and promulgating additional rules regarding the licensure and operation of Secure Residential Youth Care Facilities. Licensed facilities may be used to provide secure residential care and treatment of youth adjudicated as juvenile delinquents who have been placed in the custody of the Department.
- B) Statutory Authority: 730 ILCS 5/3-2-2 and 730 ILCS 175
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before February 1, 1996.
- E) Affect on small businesses, small municipalities or not-for-profit corporations: Facilities who seek licensure will need to comply with the requirements set forth in the rules.
- F) Agency contact person for information:
Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277
(217) 522-2666, extension 6001
- G) Related rulemakings and other pertinent information: None

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

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- a) Part(s) (Heading and Code Citation): Operating Procedures for the Administration of Federal Funds, 20 Ill. Adm. Code 1520

1) Rulemaking:

A) Description: The Authority plans to propose rulemaking necessary for the implementation of the STOP Violence Against Women Formula Grants Program (Grants to Combat Violent Crimes Against Women). This grant program authorizes federal financial assistance to States for distribution to State agencies, units of local government, and nonprofit, nongovernmental victim service programs to develop and enhance law enforcement, prosecution and victim services in cases involving violent crimes against women.

B) Statutory Authority: 20 ILCS 3930/7

C) Scheduled meeting/hearing dates: No meetings or hearings have yet been scheduled.

D) Date agency anticipates First Notice: The Authority anticipates that it will submit a notice of proposed rulemaking during the first 6 months of this year.

E) Affect on small businesses, small municipalities or not for profit corporations: The rule may affect small municipalities and not for profit corporations in that they are potential recipients of grant funds.

F) Agency contact person for information:

Name: Kristi Kangas
Address: 120 S. Riverside Plaza, Suite 1016, Chicago, IL 60606
Telephone: 312-793-8550

G) Related rulemakings and other pertinent information: None.

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- a) Part(s) (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision, 23 Ill. Adm. Code 1

1) Rulemaking:

A) Description: Part 1 will be amended in response to five pieces of legislation enacted in 1995. P.A. 89-155 and P.A. 89-175 permit students in grades 9 through 12 to be excused from physical education if they are involved in a marching band program or a Reserve Officer's Training Corps Program, respectively. P.A. 89-184 expands the group of school employees responsible for maintaining discipline and safety. P.A. 89-212 indicates that certain certificated teachers may serve as substitute teachers under specified conditions. P.A. 89-398 exempts some schools from school improvement plan requirements and quality review visits.

In addition, minor technical changes will be made.

B) Statutory Authority: 105 ILCS 5/2-3.6 and 2-3.25

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: April 15, 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Pupil Transportation Reimbursement, 23 Ill. Adm. Code 120

1) Rulemaking:

A) Description: Part 120 will be amended in response to P.A. 89-151, which requires a school district that owns buses and employs drivers to solicit bids for the provision of transportation services if it receives a timely request from a transportation contractor. The Act requires affected districts to announce their

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fully allocated costs of transportation, provides guidance as to how these are to be calculated, and directs the State Board to promulgate rules for this purpose.

B) Statutory Authority: 105 ILCS 5/Art. 29

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: June 1, 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: Some transportation contractors may secure contracts with school districts; however, any such effect will arise from the law rather than from the rulemaking.

F) Agency contact person for information:

Name: Sally Vogl
Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

G) Related rulemakings and other pertinent information: 23 Ill. Adm. Code 275 will also be amended; see item (g) below.

c) Part(s) (Heading and Code Citation): Block Grant for School Improvement, 23 Ill. Adm. Code 160

1) Rulemaking:

A) Description: Part 160 will be amended to bring requirements for this program into conformance with the relevant provisions of P.A. 89-15 and P.A. 89-397. P.A. 89-15 makes the block grant program that is the subject of Part 160 not applicable to Chicago School District #299, and P.A. 89-397 broadens the scope of the block grant beyond the programs it currently includes.

B) Statutory Authority: 105 ILCS 5/Art. 1C

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: April 15, 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

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F) Agency contact person for information:

Name: Sally Vogl
Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

G) Related rulemakings and other pertinent information: None.

d) Part(s) (Heading and Code Citation): Sprinkler Systems, 23 Ill. Adm. Code 170, and Health/Life Safety for Public Schools, 23 Ill. Adm. Code 180

1) Rulemaking:

A) Description: Part 170 will be repealed, and the material contained in it will be placed into 23 Ill. Adm. Code 180, Health/Life Safety Code for Public Schools. This is being done as a convenience to readers who may need to find all the requirements pertaining to school facilities. At the same time, an updated version of the applicable standards will be incorporated.

Part 180 will also be amended to make explicit certain current practices regarding approval for the use of temporary facilities and to incorporate by reference the most current version of the building code issued by the Building Officials and Code Administrators (BOCA), in order to keep pace with industry standards.

B) Statutory Authority: 105 ILCS 5/2-3.12, 2-3.25, 17-2.11, and 22-23

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: April 15, 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

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G) Related rulemakings and other pertinent information:

- e) Part(s) (Heading and Code Citation): Scientific Literacy, 23 Ill. Adm. Code 220

1) Rulemaking:

- A) Description: Part 220 will be amended to reflect changes effected by P.A. 89-397 regarding the parties eligible to receive scientific literacy grants.

- B) Statutory Authority: 105 ILCS 5/2-3.94

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: March 15, 1996

- E) Affect on small businesses, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Name: Sally Vogl
Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

- G) Related rulemakings and other pertinent information: None

- f) Part(s) (Heading and Code Citation): Special Education, 23 Ill. Adm. Code 226

1) Rulemaking:

- A) Description: Part 226 will be amended in response to P.A. 89-397, which changed the name of the Advisory Council on Education of Handicapped Children to Advisory Council on Education of Children with Disabilities.

- B) Statutory Authority: 105 ILCS 5/2-3.6

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: May 1, 1996

- E) Affect on small businesses, small municipalities or not-for-profit

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corporations: None

- F) Agency contact person for information:

Name: Sally Vogl
Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

- G) Related rulemakings and other pertinent information: None

- g) Part(s) (Heading and Code Citation): Pupil Transportation, 23 Ill. Adm. Code 275

1) Rulemaking:

- A) Description: Part 275 will be amended to reflect a change made by P.A. 89-132 in the definition of school bus. At the same time, a reference will be inserted to reflect the responsibility of local school boards added by P.A. 89-151.

- B) Statutory Authority: 105 ILCS 5/2-3.6

- C) Scheduled meeting/hearing dates: To be announced.

- D) Date agency anticipates First Notice: April 1, 1996

- E) Affect on small businesses, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Name: Sally Vogl
Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

- G) Related rulemakings and other pertinent information: None

- h) Part(s) (Heading and Code Citation): Secular Textbook Loan, 23 Ill. Adm. Code 350

1) Rulemaking:

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A) Description: Part 350 will be amended to change the funding provisions associated with this program in light of P.A. 89-46.

B) Statutory Authority:

C) Scheduled meeting/hearing dates: To be announced.

D) Date agency anticipates First Notice: February 29, 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

G) Related rulemakings and other pertinent information: None

I) Part(s) (Heading and Code Citation): Student Records, 23 Ill. Adm. Code 375

1) Rulemaking:

A) Description: Both P.A. 89-106 and P.A. 89-261 will require amendments to this Part. The form obliges school personnel to avoid releasing a protected child's records or information therein, and the latter permits parents to challenge references to expulsions and out-of-school suspensions under certain circumstances.

B) Statutory Authority: 105 ILCS 5/2-3.13a and 105 ILCS 10

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: June 20, 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Address: Agency Rules Coordinator

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Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

G) Related rulemakings and other pertinent information: None

J) Part(s) (Heading and Code Citation): Regional Oversight Boards and Intermediate Services, 23 Ill. Adm. Code 525

1) Rulemaking:

A) Description: Part 525 will be amended to replace all references to oversight boards with appropriate material dealing with advisory boards, and to make other changes needed to implement P.A. 89-15 and P.A. 89-335.

B) Statutory Authority: 105 ILCS 5/2-3.62, 3A-16, and 3A-17

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: June 20, 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

G) Related rulemakings and other pertinent information: None

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- a) Part (Heading and Code Citation): Administrative Hearings, 32 Ill. Adm. Code 200

1) Rulemaking: Proposed Repealer

- A) Description: The Department is proposing to repeal this Part and replace it with a new Part 200. The Department is taking this action because it has determined that the requirements currently codified at 32 Ill. Adm. Code 200 are no longer consistent with the requirements imposed by the Radiation Protection Act of 1990 as amended.

- B) Statutory Authority: Implementing Sections 8.2, 9 and 11 and authorized by Section 6 of the Radiation Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 218, 219, 221 and 216).

- C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: February 1996

- E) Affect on small businesses, small municipalities or not for profit corporations: This amendment does not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice);
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: The Department is proposing a new Part 200 which will replace this repealer.

- b) Part (Heading and Code Citation): Rules of Practice In Administrative Hearings, 32 Ill. Adm. Code 200

1) Rulemaking: Proposed Rule

- A) Description: This Part will replace the current Part 200. The Department is taking this action because it has determined that the requirements currently codified at 32 Ill. Adm. Code 200 are no longer consistent with the requirements imposed by the

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- Radiation Protection Act of 1990 as amended.

- B) Statutory Authority: Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i) and Section 18 of the Radiation Protection Act of 1990 [420 ILCS 40].

- C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: February 1996

- E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this new rule will affect those small businesses that are licensed to possess radioactive materials, or that are registered with the Department because they possess radiation machines, or small municipalities and not for profit corporation and to individuals that are accredited to administer radiation to human beings that appear before the Department during the hearing process for violation of any Department rule.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice);
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: The Department is proposing this new Part 200 which will replace Part 200 that is being repealed.

- c) Part (Heading and Code Citation): Registration of Radioactive Materials, Radiation Machine, And Radiation Installations, 32 Ill. Adm. Code 320

1) Rulemaking: Proposed Amendment

- A) Description: The Department is proposing to amend this Part to implement this legislative mandate. This amendment will clarify the billing procedures and due date for the registration fees.

- B) Statutory Authority: Implementing and authorized by the Radiation Installation Act [420 ILCS 30].

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C) Scheduled meeting/hearing dates: None scheduled. The Department has already notified the regulated community of pending changes in the Radiation Installation Act.

D) Date agency anticipates First Notice: March 1996

E) Affect on small businesses, small municipalities or not for profit corporations: This amendment will not have an economic impact on small municipalities and small businesses, such as small medical practices or industrial x-ray businesses, that possess radiation machines. This amendment does not increase the registration fee, only clarifies billing procedures.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice);
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Licensing of Radioactive Material, 32 Ill. Adm. Code 330

1) Rulemaking: Proposed Amendment

A) Description: The Department is proposing to amend this Part to assure compatibility with NRC requirements under the Agreement State program and to clarify the requirements for broad scope licensees.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: May 1996

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that these amendments may affect small businesses or not for profit corporations that are licensed by the Department to possess, use, distribute, store, treat or dispose of radioactive

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materials. The Department does not believe these amendments will have any direct impact on small municipalities as defined in Section 100/1-80 of the IAPA.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice);
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Use of Radionuclides In The Healing Arts, 32 Ill. Adm. Code 335

1) Rulemaking: Proposed Amendment

A) Description: The Department is proposing to amend this Part to assure compatibility with NRC requirements under the Agreement State program and to require that each licensee establish and maintain a written quality management program to provide assurance that radioactive material or radiation therefrom is administered to humans as directed by the authorized user.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: May 1996

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that these amendments may affect small businesses or not for profit corporations that are licensed by the Department to possess, use, distribute, store, treat or dispose of radioactive materials. The Department does not believe these amendments will have any direct impact on small municipalities as defined in Section 100/1-80 of the IAPA.

F) Agency contact person for information:

Rose Miller

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Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice);
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: Nonef) Part (Heading and Code Citation): Licenses and Radiation Safety Requirements for Large Irradiators, 32 Ill. Adm. Code 3361) Rulemaking: Proposed Rule

A) Description: This rule will establish the specific licensing, design and performance and operation requirements for large irradiators.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: March 1996

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rule will impact small businesses, small municipalities and not for profit corporations.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice);
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Use of X-Rays in the Healing Arts including Medical, Dental, Podiatry, and Veterinary Medicine, 32 Ill. Adm. Code 3601) Rulemaking: Proposed Amendment

A) Description: The Department is proposing to amend this Part to

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implement this legislative mandate. This amendment will add requirements relating to the distribution of patient information pamphlet for mammography services to be provided by radiation installation operators that perform mammography services. The Department is also adding a new subsection (5) to Section 360.30 which would verify that all individuals performing medical radiography are properly accredited with the Department.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not for profit corporations: The Department does not believe that these amendments will impact small businesses (i.e., medical and veterinary practices that use x-rays for healing arts purposes or mammography facilities), small municipalities and not for profit corporations.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice);
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Accrediting Persons in the Practice of Medical Radiation Technology, 32 Ill. Adm. Code 4011) Rulemaking: Proposed Amendment

A) Description: The Department is proposing this amendment to correct an oversight in Department rules. There was an inconsistency between the rules and the Radiation Protection Act of 1990 regarding the degree of supervision needed for students in an approved training program. Section 401.30(c)(1) is being amended to reflect that direct supervision will be required. This Part will also implement a legislative mandate that added a new Section O to the Department's enabling statute relating to

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the suspension or revocation of any accreditation, certification or registration issued pursuant to the provisions of the Radiation Protection Act of 1990. This amendment will add revocation provisions to Section 401.120 in the event that an individual has become delinquent on a student loan bill. In addition, Section 401.170 is being amended to add a new subsection (g) which would enjoin an individual from performing medical radiation procedures if that individual fails to pay a properly assessed civil penalty.

- B) Statutory Authority: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 (420 ILCS 40).

- C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: March 1996

- E) Affect on small businesses, small municipalities or not for profit corporations: The Department does not believe that these amendments will impact small businesses, small municipalities and not for profit corporations.

- F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice);
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- i) Part (Heading and Code Citation): Certification and Operation of Radiochemical Laboratories, 32 Ill. Adm. Code 406

- 1) Rulemaking: New Rule

- A) Description: The Department is proposing this rule to replace its portion of the Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (35 Ill. Adm. Code 183). This Part establishes the standards applicable to radiochemical laboratories involved in radiochemical analyses of samples of

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water from public water supplies and their sources.

- B) Statutory Authority: Implementing the Civil Administrative Code of Illinois (20 ILCS 5) and authorized by Sections 55.10 through 55.12 and Section 71 of the Civil Administrative Code of Illinois (20 ILCS 2310/55.10 through 55.12, and 20 ILCS 2005/71(D)).

- C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: April 1996

- E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rule will impact small businesses, small municipalities and not for profit corporations.

- F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice);
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- j) Part (Heading and Code Citation): Radiation Inspectors and Inspections, 32 Ill. Adm. Code 410

- 1) Rulemaking: Proposed Amendment

- A) Description: The Department is proposing this amendment to clear up an inconsistency between this rule and the provisions of the Radiation Protection Act of 1990 regarding the suspension or revocation of a nondepartment qualified inspectors (NDI's) registration. This amendment will provide a mechanism to suspend or revoke an NDI's registration similarly to how the Department suspends and revokes industrial radiographers and x-ray technologists certifications. This amendment will also delete the late payment penalty for the Department's x-ray registration and inspection program. In addition, the Department is deleting the \$25 filing fee for nondepartmental inspections of mammography machines but will bill the operator a \$25 inspection review fee per radiation machine as soon as

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practical after the Department receives the nondepartment qualified inspector's radiation inspection report.

- B) Statutory Authority: Implementing and authorized by Sections 5 and 25 of the Radiation Protection Act of 1990 (420 ILCS 40/5 and 40/25).

- C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: February 1996

- E) Affect on small businesses, small municipalities or not for profit corporations: The Department does not believe that these amendments will impact small businesses, small municipalities and not for profit corporations.

- F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice);
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- k) Part (Heading and Code Citation): Plan For The Compensation of Local Governments Under Provisions of The "Illinois Nuclear Safety PREPAREDNESS ACT", 32 Ill. Adm. Code 501

- 1) Rulemaking: Proposed Amendment

- A) Description: The Department is proposing to amend this Part to implement a legislative mandate. This amendment will remedy an inconsistency between the rule and the Act regarding the amount of compensation to be paid to local governments participating in nuclear accident planning. In addition, this amendment will: (1) modify statutory citations so that they refer to the Illinois Compiled Statutes; (3) update a citation to regulation incorporated by reference; and (3) make non-substantive editorial changes.

- B) Statutory Authority: Implementing and authorized by the Illinois Nuclear Safety Preparedness Act (420 ILCS 5/4).

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- C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: March 1996

- E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking will have no direct impact on any small businesses, small municipalities and not for profit corporations.

- F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice);
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- l) Part (Heading and Code Citation): Licensing Requirements for Land Disposal of Radioactive Waste, 32 Ill. Adm. Code 601

- 1) Rulemaking: Proposed Amendment

- A) Description: The Department is proposing to amend Sections 20 and 70 to assure compatibility with NRC requirements under the Agreement State program.

- B) Statutory Authority: Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act (420 ILCS 20).

- C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: January 1996

- E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking will have no direct impact on any small businesses, small municipalities and not for profit corporations.

DEPARTMENT OF NUCLEAR SAFETY

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F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice);
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

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a) Part(s)/Heading(s) and Code Citation(s):

General Rules (35 Ill. Adm. Code 101)
Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)
Enforcement Proceedings (35 Ill. Adm. Code 103)
Variances (35 Ill. Adm. Code 104)
Permits (35 Ill. Adm. Code 105)
Hearings Pursuant to Specific Rules (35 Ill. Adm. Code 106)
Identification and Protection of Trade Secrets (35 Ill. Adm. Code 120)

1) Rulemaking: Docket number R95-1A) Description:

35 Ill. Adm. Code: Subtitle A (Parts 101 through 120) contains the procedural rules of the Illinois Pollution Control Board (Board). The Board is in the process of reviewing its rules to determine whether any of them may need updating, streamlining, or other revision. The Board has not as yet developed a regulatory proposal, but when it does so the proposed rules and opinion containing the Board's supporting rationale will be docketed as R95-1.

B) Statutory Authority:

Sections 26 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/26 and 28].

C) Scheduled meeting/hearing dates:

Once the Board has developed a regulatory proposal in Docket R95-1, the Board will accept written comment and will schedule public hearings.

D) Date agency anticipates First Notice:

The Board may cause publication of a Notice of Proposed Amendments in Winter or Spring, 1996.

E) Affect on small business, small municipalities or not-for-profit corporations:

There may be an effect on any which appear before the Board in any type of proceeding. These include rulemakings; enforcement actions; variances, adjusted standards and site-specific rule requests; permit appeals; review of local governments' decisions concerning siting of pollution control

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facilities; and any other actions provided for in the Environmental Protection Act.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R95-1, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R95-1, as follows:

Kathleen M. Crowley
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6929
Internet: kcrowley@pcb016rl.state.il.us

or

Musette H. Vogel, Attorney
Pollution Control Board
600 South Second Street, Suite 402
Springfield, IL 62704
(217) 524-8509
Internet: mvogel@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information:

If review of existing procedural rules warrants it, the Board may open additional parts within 35 Ill. Adm. Code: Subtitle A.

b) Part(s) (Heading(s) and Code Citation(s)):

Permits and General Provisions (35 Ill. Adm. Code 201)

1) Rulemaking: No docket presently reserved.A) Description:

Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the

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Illinois Pollution Control Board (Board) addressing:

1) Revision of the present exemptions from state permitting, contained in Section 201.146, to consider the list of insignificant activities recently developed for the Clean Air Act Permit Program ("CAAPP") permitting in Section 201.210.
2) General "Clean-up" of Part 201, to address changes in terminology accompanying CAAPP and other developments, since Part 201 was last reviewed.
3) Possible establishment of a "Quick Look" process so that construction of simpler projects may begin in 30 days or less if the Agency agrees that a project may proceed.

B) Statutory Authority:

Sections 10 and 27 of the Environmental Protection Act [415 ILCS 5/10 and 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time.

D) Date agency anticipates First Notice:

Once the proposal is filed, the Board will cause publication of First Notice in the *Illinois Register*. The Agency anticipates submitting the proposal so that *Illinois Register* publication may occur in Spring, 1996.

E) Affect on small business, small municipalities or not-for-profit corporations:

The rules may affect small businesses in a beneficial way by streamlining the permit process.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley

POLLUTION CONTROL BOARD

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Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6963
Internet: kcrowley@pcb016r1.state.il.us

G) Related rulemakings and other pertinent information:

Another prospective rulemaking (see item (c) immediately below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 201.

This rulemaking has generally been discussed by the Agency with business groups and certain sources as an initiative to simplify the state permitting program that would follow shortly after the revisions to Part 201 to address the CAAPP. The contact person at the Illinois Environmental Protection Agency is:

Laurel Krock
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-3333

c) Part(s) Heading(s) and Code Citation(s):

Permits and General Provisions (35 Ill. Adm. Code 201)
Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emissions Standards and Limitations for the Metro-East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.A) Description:

Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rulemaking procedures of Section 28.5 of the Environmental Protection Act. (1) This rulemaking will amend existing air pollution definitions and add definitions as necessary to be consistent with recent proposed and adopted revisions to 35 Ill. Adm. Code Parts 201, 218, and 219. Revisions were made to rules in these Parts pursuant to

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Illinois' Clean Air Act Permit Program [415 ILCS 5/39.5] and Illinois' 15% Rate of Progress Plan ("15% ROP Plan") rulemakings. The 15% ROP Plan rulemakings are required pursuant to Section 182(b)(1) of the Clean Air Act. (2) This rulemaking may include definitions as necessary to supplement any rule for architectural and industrial maintenance coatings if these measures are not done nationally by the United States Environmental Protection Agency (U.S. EPA), as these measures are part of Illinois' 15% ROP Plan. (3) This rulemaking may include definitions as necessary to supplement any rules proposed to address control measures for volatile organic material (VOM) emissions from industrial wastewater treatment facilities that was initially to be addressed by a new U.S. EPA Control Technique Guideline (CTG). This control measure is part of Illinois' 15% ROP Plan. (4) This rulemaking may include definitions as necessary to supplement any rules proposed to address control measures for VOM emissions from industrial clean-up solvents that were initially to be addressed by a new U.S. EPA CTG. This control measure is part of Illinois' 15% ROP Plan. (5) This rulemaking may include definitions as necessary to supplement any revisions to 35 Ill. Adm. Code Part 215: Organic Material and Emission Standards and Limitations, to make this Part consistent with the nonsubstantive revisions to 35 Ill. Adm. Code Parts 218 and 219.

B) Statutory Authority:

Section 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 and 28.5].

C) Scheduled meeting/hearing dates:

No hearings on amendments necessary to address revisions to Parts 201, 211, 218, and 219 have been scheduled at this time. The Agency stated that it anticipates filing the proposal in late Spring or early Summer, 1996. Once the Agency files the proposal, the Board will conduct public hearings on the schedule established in Section 28.5.

D) Date agency anticipates First Notice:

The Agency stated that it anticipates filing the proposal that would include any necessary amendments to Parts 201, 211, 218 and 219 in late Spring or early Summer, 1996. After receipt of the proposal, the Board will cause a First Notice Notice of Proposed Amendments to appear in the Illinois Register.

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- E) Affect on small business, small municipalities or not-for-profit corporations:

This rulemaking will address definitions, and is not expected to itself have a substantive impact on sources affected by Illinois' air pollution control regulations.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601
(312) 814-6929
Internet: kcrowley@pcb016rl.state.il.us

- G) Other pertinent information concerning these amendments:

Other prospective rulemakings (see item (b) immediately above and (e), (f), and (i) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 201, 211, 218, and 219.

With respect to amendments necessary to address revisions to Parts 201, 211, 218, and 219, the Agency has stated that it will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Kroack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-3333

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- d) Part(s) Heading(s) and Code Citation(s):

Emissions Reduction Market System (35 Ill. Adm. Code 205)

- 1) Rulemaking: No docket presently reserved.

- A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing rules for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act. This rulemaking will add Part 205 to establish regulations to implement a market-based emissions reduction system in the Chicago ozone nonattainment area. This rulemaking is required of the state by Section 182(b)(1) of the federal Clean Air Act.

- B) Statutory Authority:

Sections 9.8, 27, 28.2 and 28.5 of the Environmental Protection Act (415 ILCS 5/9.8, 27, 28.2 & 28.5).

- C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the schedule and requirements established in Section 28.5 of the Act.

- D) Date Agency Anticipates First Notice:

Once the proposal is filed, the Board will cause publication of a Notice of Proposed Rules to appear in the *Illinois Register* in accordance with the schedule and requirements established in Section 28.5 of the Act. The Agency has stated that it anticipates that it will submit the proposal to the Board that will commence this proceeding in Spring or Summer, 1996.

- E) Affect on small business, small municipalities or not-for-profit corporations:

This rule is likely to affect major sources of volatile organic material (VOM) emissions, which are primarily large industrial facilities.

- F) Agency contact person for information:

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Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601
(312) 814-6329
Internet: kcrowley@pcb016r1.state.il.us

G) Other pertinent information concerning these amendments:

The Illinois Environmental Protection Agency distributed a first draft of this rule to interested persons on September 15, 1995 and a second draft on December 15, 1995; it has not been submitted to the Board. The Agency is accepting comments on the draft rule. If you would like a copy of the draft rule or have any questions concerning the draft rule, please contact:

Bonnie Sawyer
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-3333

e) Part(s) (Heading(s) and Code Citation(s)):

Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Presently reserved docket number R96-6

A) Description:

Section 9.1(e) of the Environmental Protection Act (Act) [415 ILCS 5/9.1(e) (1992)] mandates that the Board update the Illinois definition of volatile organic material (VOM), presently codified as 35 Ill. Adm. Code 211.7150, to reflect the U.S. EPA additions to the list of exemptions of compounds

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from regulation as ozone precursors. Those compounds are determined by U.S. EPA to be exempt from regulation under the state implementation plan for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992, at 57 Fed. Reg. 3945, U.S. EPA codified its definition of VOM as 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy.

The Board has reserved docket number R96-6 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that U.S. EPA may make in the period July 1 through December 31, 1995. Section 9.1(e) mandates that the Board complete our amendments within one year of the date on which U.S. EPA adopted its action upon which our amendments are based. The Board is presently unaware of any federal amendments during this time-frame. However, on November 13, 1995, at 60 Fed. Reg. 60695, U.S. EPA outlined in its semiannual regulatory agenda that it intended to adopt an amendment in October, 1995 that would have the effect of exempting perchloroethylene from regulation under state implementation plans for ozone control. The Board will immediately propose corresponding amendments to the Illinois regulations under this docket if U.S. EPA adopts the intended amendments prior to January 1, 1996.

B) Statutory Authority:

Sections 9.1(e) and 27 of the Environmental Protection Act [415 ILCS 5/9.1(e) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting. The Board will then schedule at least one public hearing, as required by Section 118 of the federal Clean Air Act for amendment of the Illinois ozone State Implementation Plan.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

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- E) Affect on small business, small municipalities or not-for-profit corporations:

This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the list of exempted compounds.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R96-6, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R96-6, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6924
Internet: mccambr@pcb016r1.state.il.us

G) Related Rulemakings and other pertinent information:

Other prospective rulemakings (see items (c) above and (f) immediately below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 211, including the definition of VOM.

Section 9.1(e) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comment on the proposal for 45 days after the date of publication.

f) Part(s) (Heading(s) and Code Citation(s)):

Definitions and General Provisions (35 Ill. Adm. Code 211)

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Visible and Particulate Matter Emissions (35 Ill. Adm. Code 212)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emissions Standards and Limitations for the Metro-East Area (35 Ill. Adm. Code 219)

- 1) Rulemaking: No docket presently reserved.

A) Description:

Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rulemaking procedures of Section 28.5 of the Environmental Protection Act. (1) This rulemaking will amend existing air pollution definitions and add definitions as necessary to be consistent with recent proposed and adopted revisions to 35 Ill. Adm. Code 201, 212, 218, and 219. Revisions were made to rules in these Parts pursuant to Illinois' Clean Air Act Permit Program [415 ILCS 5/39.5] and Illinois' 15% Rate of Progress Plan ("15% ROP Plan") rulemakings. The 15% ROP Plan rulemakings are required pursuant to Section 182(b)(1) of the Clean Air Act. (2) This rulemaking may include definitions as necessary to supplement any rule for architectural and industrial maintenance coatings if these measures are not done nationally by the United States Environmental Protection Agency (U.S. EPA), as these measures are part of Illinois' 15% ROP Plan. (3) This rulemaking may include definitions as necessary to supplement any rules proposed to address control measures for VOC emissions from industrial wastewater treatment facilities that was initially to be addressed by a new U.S. EPA Control Technique Guideline (CTG). This control measure is part of Illinois' 15% ROP Plan. (4) This rulemaking may include definitions as necessary to supplement any rules proposed to address control measures for VOC emissions from industrial clean-up solvents that were initially to be addressed by a new U.S. EPA Control Technique Guideline (CTG). This control measure is part of Illinois' 15% ROP Plan. (5) This rulemaking may include definitions as necessary to supplement any revisions to 35 Ill. Adm. Code Part 212: Visible and Particulate Matter Emissions, which revisions are required to obtain full U.S. EPA approval of Illinois' State Implementation Plan for this category. (6) This rulemaking may include definitions as necessary to supplement any revisions to 35 Ill. Adm. Code Part 215: Organic Material and Emission Standards and Limitations, to make this Part consistent with the nonsubstantive revisions to 35 Ill. Adm. Code Parts 218 and

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219.

B) Statutory Authority:

Section 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 and 28.5].

C) Scheduled meeting/hearing dates:

None scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5.

D) Date agency anticipates First Notice:

Once the proposal is filed, the Board will publish first notice on the schedule established in Section 28.5. The Agency has not yet determined when the proposal will be submitted to the Board.

E) Affect on small business, small municipalities or not-for-profit corporations:F) Agency contact person for information to:

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6969
Internet: kcrowley@pcb016r1.state.il.us

G) Related Rulemakings and other pertinent information:

Other prospective rulemakings (see items (c) above and (i) below), pending docket **R96-6** (see item (e) above), and other, as yet unknown, unrelated Board proceedings could potentially

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impact the general provisions of Part 211, 218, and 219.

g) Part(s) (Heading(s) and Code Citation(s)):

Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)

1) Rulemaking: No docket presently reserved.A) Description:

Rules are currently being developed by the Illinois Environmental Protection Agency for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act. This rulemaking will amend existing air pollution control rules for volatile organic material (VOM) to clean up the existing language to make these regulations consistent with the language in 35 Ill. Adm. Code Parts 218 and 219. In some cases, these revisions will be substantive. The rulemaking is intended to make this part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with nonsubstantive aspects of recent revisions to 35 Ill. Adm. Code Parts 218 and 219, pursuant to Illinois' 15% Rate of Progress Plan ("15% ROP Plan") rulemakings. These revisions will be both substantive and nonsubstantive in nature, but are not expected to be controversial.

B) Statutory Authority:

Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. Once the proposal is filed, the Board will schedule hearings.

D) Date Agency anticipates First Notice:

Once the proposal is filed, the Board will cause publication of a First Notice Notice of Proposed Amendments in the *Illinois Register*. The Agency has stated that it anticipates submitting the proposal to the Board in late Spring or early Summer, 1996.

E) Affect on small business, small municipalities or not-for-profit corporations:

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This rule should have no negative impact on sources subject to the rules in Part 215, because all revisions are intended to make the rules clearer and consistent.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6929
Internet: kcrowley@pcb016rl.state.il.us

G) Other pertinent information concerning these amendments:

The Illinois Environmental Protection Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Kroack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-3333

h) Part(s) (Heading(s) and Code Citation(s)):

Carbon Monoxide Emissions (35 Ill. Adm. Code 216)

1) Rulemaking: Docket number R95-15A) Description:

The rule proposed by the Marathon Oil Company in Docket R95-15 proposes a new section which would establish a carbon monoxide

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emission standard for the petroleum refinery located in Robinson, Illinois.

B) Statutory Authority:

These rules will be proposed pursuant to Section 28 of the Illinois Environmental Protection Act, 415 ILCS 5/28.

C) Scheduled meeting/hearing dates:

None have been scheduled at this time. The public may contact Hearing Officer, Charles M. Feinen, at the address below, to be added to the R95-15 Notice List, which will insure notice of scheduling of any hearings in this matter.

D) Date agency anticipates First Notice:

The Illinois Pollution Control Board anticipates submitting a first notice in the Spring, 1996.

E) Affect on small business, small municipalities or not-for-profit corporations:

No small businesses, not-for-profit corporations and small municipalities will be effected by the rule since it is a site-specific one which only applies to the Marathon facility.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R95-15, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R95-15, as follows:

Charles M. Feinen, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-3473
Internet: cfeinen@pcb016rl.state.il.us

G) Related Rulemakings and other pertinent information:

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None.

i) Part(s) (Heading(s) and Code Citation(s)):

- Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.A) Description:

Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act, which may be proposed as more than one rulemaking as necessary to address any USEPA conditional approval items on rules promulgated pursuant to Illinois' 15% Rate of Progress Plan ("15% ROP Plan"). (1) There may be one or more rulemakings to amend existing air pollution control rules for volatile organic material (VOM) to clean up the existing language. These rulemakings would be intended to make Parts 218 and 219 consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rules pursuant to Illinois' 15% ROP Plan rulemakings. The 15% ROP Plan rulemakings are required pursuant to Section 182(b)(1) of the Clean Air Act. (2) One of these rulemakings may include a rule for major wood furniture coating sources, for which a proposed federal control techniques guideline ("CTG") has been proposed by the United States Environmental Protection Agency (U.S. EPA) and which may be adopted by early Spring 1996. Under Section 182(b)(2)(A) of the Clean Air Act, States must submit a State Implementation Plan (SIP) revision to require Reasonably Available Control Technology ("RACT") for major sources covered by a CTG issued by the Administrator of U.S. EPA between the date of the enactment of the 1990 amendments to the Clean Air Act and the date of attainment. (3) One of these rulemakings may include regulations to address emissions of VOCs from companies that specialize in solvent collection and recycling.

B) Statutory Authority:

Sections 10, 27, 28.2 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28.2 and 28.5].

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C) Scheduled meeting/hearing dates:

Once the proposal is filed, the Board will publish first notice on the schedule established in Section 28.5. The Agency has stated that it anticipates filing one or more proposals with the Board in late Spring or early Summer, 1996.

D) Date Agency anticipates First Notice:

A late spring or early Summer, 1996 submittal of one or more proposals to the Board is expected, after which the Board will cause First Notice publication of Notices of Proposed Amendments in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporations:

If wood furniture coating rules are proposed, they would potentially affect any major source that applies coatings to wood furniture. If rules regulating VOM emissions from companies specializing in solvent collection and recycling are included in one of these proposals, it would only affect relatively large entities that specialize in solvent collection and recycling. All other proposals should have no new substantive impact on sources, since they will be merely clean-up proposals.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6929
Internet: kcrowley@pcb016r1.state.il.us

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G) Related Rulemakings and other pertinent information:

The Board adopted proposed amendments under docket R96-13 for First Notice on December 20, 1995 that affect Parts 218 and 219. Notices of Proposed Amendments should appear in a January issue of the *Illinois Register* for those amendments. Another prospective rulemaking (see items (c) and (f) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 218 and 219.

There have been a number of amendments to Part 218 during the past two years. This rulemaking may also clean-up some limited portions of the recently completed rules. Depending on the success of national rulemakings regarding wood furniture coatings, the Agency may need to proceed with regulations addressing the VOC content of such coatings, housekeeping practices, record keeping and reporting requirements and other provisions of the CTG, if adopted. Any rules addressing companies that specialize in solvent collection and recycling will not occur until the Agency has met with potentially affected sources to discuss any proposed rules. The Illinois Environmental Protection Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Kroack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-3333

j) Part(s)_(Heading(s)_and_Code_Citation(s)):

Toxic Air Contaminants (35 Ill. Adm. Code 232)

1) Rulemaking: Docket number R96-4A) Description:

The rules proposed to the Illinois Pollution Control Board (Board) by the Illinois Environmental Protection Agency (Agency) in Docket R96-4 seek to amend the Illinois toxic air contaminants (ITAC) list set forth in 35 Ill. Adm. Code 232. Appendix A by adding those chemicals listed as "Hazardous Air Pollutants" under Section 112(b) of the Clean Air Act, as amended in 1990 [42 U.S.C. 7401 et seq.], and those chemicals

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or substances targeted by the Great Lakes Commission or under the United States Environmental Protection Agency's "Great Waters" program under Section 112(m) of the Clean Air Act, as amended in 1990 [42 U.S.C. 7401 et seq.]. The proposal would also require all sources that meet certain requirements to submit an ITAC source report for calendar year 1996, and it would correct typographical errors in the existing Illinois toxic air contaminants ITAC list. The Board accepted the proposal by an order dated November 2, 1995, but has not made a judgment on the merits of this proposal.

B) Statutory Authority:

Section 9.5, 27, and 28 of the Illinois Environmental Protection Act [415 ILCS 5/9.5, 27 & 28].

C) Scheduled meeting/hearing dates:

None have been scheduled at this time. The public may contact Hearing Officer, Charles M. Feinen, at the address below, to be added to the R96-4 Notice List, which will insure notice of scheduling of any hearings in this matter.

D) Date agency anticipates First Notice:

The Illinois Pollution Control Board anticipates submitting a first notice in Spring, 1996.

E) Affect on small business, small municipalities or not-for-profit corporations:

This rule may impact small businesses, small municipalities and not-for-profit corporations if they meet certain thresholds for reporting, which are very similar to the federal emissions reporting requirements under the "Emergency Planning and Community Right-to-know Act" (Title III of the Superfund Amendments and Reauthorization Act of 1986).

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R96-4, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

POLLUTION CONTROL BOARD

JANUARY 1996 REGULATORY AGENDA

Address questions concerning this regulatory agenda, noting docket number R96-4, as follows:

Charles M. Feinen, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-3473.
Internet: cfeinen@pcb016rl.state.il.us.

G) Related Rulemakings and other pertinent information:

The Contact person at the Agency concerning this proposal is:

Laurel L. Kroack
Illinois Environmental Protection Agency
2200 Churchill Rd.
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 524-3333

k) Part(s) and (Heading(s) and Code Citation(s):

Introduction (35 Ill. Adm. Code 301)
Water Quality Standards (35 Ill. Adm. Code 302)
Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)
Effluent Standards (35 Ill. Adm. Code 304)
Performance Criteria (35 Ill. Adm. Code 306)

1) Rulemaking: Docket number R92-8A) Description:

On September 3, 1992, the Board accepted a proposal for hearing to amend portions of the water pollution control rules that would further limit discharges of toxic pollutants. The proposal was filed by the Illinois Chapter of the Sierra Club, Citizens for a Better Environment, Lake Michigan Federation, and the McHenry County Defenders. The Board docketed this rulemaking as R92-8, and has held 5 hearings concerning the proposal. There was a hiatus in hearings at the proponent's request to allow for meetings between the proponents, affected industries, and the Illinois Environmental Protection Agency (Agency).

In a statement accompanying the proposal, the petitioners noted that "[t]he amendments to the water quality rules

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proposed are designed to limit further and eventually eliminate the discharge of toxic and bioaccumulative pollutants, establish more enforceable water quality criteria develop effective plans for limiting pollution in watersheds seriously affected by nonpoint pollution." Specifically proposed are additional numeric general water quality standards for 36 chemicals, methods to determine whole effluent toxicity-based criteria, and methods to determine and utilize bioaccumulation factors. The petitioners proposed to limit the term of site-specific rules and exemptions to five years as well as to require inclusion and consideration of additional information in applications for NPDES and pretreatment permits. This proposal also requests the addition of a Watershed Planning Process, which would require development of a comprehensive watershed plan for waterbodies that contain chemical contaminants in excess of water quality standards or which fail to meet newly proposed biological integrity standards.

The Board has not as yet made a decision on the merits of the proposal. Currently pending before the Board are various motions to strike or otherwise rule on the viability of portions of the proposal. These motions were filed by the Agency and several members of the regulated community. The Board anticipates ruling on the motions in Winter, 1996.

B) Statutory Authority:

Sections 13 and 27 of the Environmental Protection Act (415 ILCS 5/13 and 27).

C) Scheduled meeting/hearing dates:

None presently scheduled. (see item (A) above).

D) Date agency anticipates First Notice:

Winter or Spring, 1996, if the Board decides to proceed with all or any part of the proposal. (see item (A) above).

E) Affect on small business, small municipalities or not-for-profit corporations:

Any which may discharge toxic or bioaccumulative water pollutants.

F) Agency contact person for information:

POLLUTION CONTROL BOARD

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Address written comments concerning the substance of the rulemaking, noting docket number R92-8, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R92-8, as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6929
Internet: kcrowley@pcb016rl.state.il.us

G) Related Rulemakings and other pertinent information:

Pending rulemaking, R94-1 (see item (1) immediately below), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 302 and 304.

As the water regulations are inter-related, adoption of any segment of this proposal might also necessitate addition of a new 35 Ill. Adm. Code 313 for Watershed Planning rules.

1) Part(s) (Heading(s) and Code Citation(s)):

Water Quality Standards (35 Ill. Adm. Code 302)
Effluent Standards (35 Ill. Adm. Code 304)

1) Rulemaking: Docket number R94-1

A) Description:

On February 24, 1994, the Illinois Environmental Protection Agency (Agency) filed a regulatory proposal with the Board. The proposal is part of the Agency's mandatory review of the applicable water quality standards of the State of Illinois pursuant to 33 U.S.C. Sections 1251-1387 (1987). The proposal revises the Board's General Use Water Quality Standards for lead, mercury, and ammonia nitrogen and modifies the ammonia effluent exception procedures.

The Board opened docket number R94-1 to accommodate the

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proposal. The proposal was published for first notice in the *Illinois Register* on September 30, 1994 at 18 Ill. Reg. 14555 and 14549. Public hearings were held in November of 1994 and January of 1995. As the one-year period for adopting this rule has expired, the Board intends to reinstate this rulemaking by publishing a new first notice.

B) Statutory Authority:

Sections 13, 27 and 28.2 of the Environmental Protection Act [415 ILCS 5/13, 27 and 28.2].

C) Scheduled meeting/hearing dates:

The Board is presently attempting to schedule a hearing in February, 1996, in Chicago. The Board will give public notice of the exact date and location when those have been determined.

D) Date agency anticipates First Notice:

The Board anticipates publication of a First Notice in Winter or Spring, 1996. The Board will accept public comment on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not-for-profit corporations:

This rulemaking may affect small municipalities with wastewater treatment facilities. Some modification to existing operations and facilities may be required to meet the proposed standards.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R94-1, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R94-1, as follows:

Diane O'Neill, Attorney
Pollution Control Board

POLLUTION CONTROL BOARD

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100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6062
Internet: doneill@pcb016rl.state.il.us

G) Related Rulemakings and other pertinent information:

Pending rulemaking, **R92-8** (see item (k) immediately above), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 302 and 304.

m) Part(s) (Heading(s) and Code Citation(s)):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)
Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Presently reserved docket number **R96-12**

A) Description:

Section 13.3 of the Environmental Protection Act (Act) [415 ILCS 5/13.3 (1992)] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect the U.S. EPA wastewater pretreatment rules.

The Board has reserved docket number **R96-12** to accommodate any amendments to 40 CFR 300 through 499 that U.S. EPA may make in the period July 1 through December 31, 1995 relating to wastewater pretreatment. On October 16, 1995, at 60 Fed. Reg. 53529, U.S. EPA updated its Clean Water Act analytical methods by amendment of 40 CFR 136, which is incorporated by reference at 35 Ill. Adm. Code 310.107. On October 25, 1995, at 60 Fed. Reg. 54764, U.S. EPA amended the wastewater pretreatment regulations to accommodate revisions to its 40 CFR 503 sewage sludge use and disposal rules. The Board will timely propose corresponding amendments to the Illinois regulations under this docket in the future. At this time, the Board is unaware of any other amendments to the federal pretreatment rules during this period to date. If further amendments are later indicated, the Board will add those amendments to this docket using the identical-in-substance procedure.

Section 13.3 mandates that the Board complete our amendments within one year of the date on which U.S. EPA adopted its action upon which our amendments are based. In docket **R96-12**, the earliest federal amendments in the applicable period upon which the Board has not yet taken action occurred on October

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16, 1995. That means that the due date for the **R96-12** amendments is presently October 16, 1996. As stated above, the Board will commence this proceeding as promptly as is possible consistent with other deadline matters and as resources allow, with a goal of concluding it prior to its due date.

B) Statutory Authority:

Sections 13, 13.3 and 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by February, 1996, after which time the Board would cause a Notice of Proposed Amendments to appear in the Illinois Register if any federal amendments have occurred. Section 13.3 of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comment on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not-for-profit corporations:

This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number **R96-12**, as follows:

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Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R96-12, as follows:

Diane F. O'Neill, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6062

Internet: doneill@pcb016r1.state.il.us

G) Related Rulemakings and other pertinent information:

Other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 307 or 310.

Section 13.3 of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comment on the proposal for 45 days after the date of publication.

n) Part(s) (Heading(s) and Code Citation(s)):

Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Presently reserved docket number R95-17

A) Description:

Section 17.5 of the Environmental Protection Act (Act) [415 ILCS 5/17.5 (1992)] mandates that the Board update the Illinois SDWA to reflect the U.S. EPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R95-17 to accommodate any amendments to the 40 CFR 141, 142, and 143 SDWA primary drinking water regulations that U.S. EPA may make in the period January 1 through June 30, 1995. On June 28, 1995, at 60 Fed. Reg. 33658, U.S. EPA amended its primary enforcement

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(state primacy) provisions of the SDWA regulations to clarify the procedure for withdrawal of its approval of a state's program. On June 29, 1995, at 60 Fed. Reg. 33926, U.S. EPA amended the SDWA drinking water and UIC regulations to delete obsolete, outdated, and redundant provisions. It is uncertain without further review whether amendment of the Illinois program will be necessary based on either of these actions. On June 29, 1995, at 60 Fed. Reg. 34084, U.S. EPA corrected the analytical methods applicable to its SDWA drinking water program. The Board will timely propose corresponding amendments to the Illinois regulations under this docket in the future.

Section 17.5 mandates that the Board complete our amendments within one year of the date on which U.S. EPA adopted its action upon which our amendments are based. In docket R95-17, the earliest federal amendments in the applicable period occurred on June 28, 1995. That means that the due date for the R95-17 amendments is presently June 28, 1996. The Board will commence this proceeding as promptly as is possible consistent with other deadline matters and as resources allow, with a goal of concluding it prior to its due date using the identical-in-substance procedure.

B) Statutory Authority:

Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by August, 1995, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section 17.5 of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after

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any vote to propose amendments, and it will accept public comment on the proposal for 45 days after the date of publication.

- E) Affect on small business, small municipalities or not-for-profit corporations:

This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities are a "public water supply," as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R95-17, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R95-17, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6924
Internet: mmccambr@pcb016r1.state.il.us

- G) Related Rulemakings and other pertinent information:

Reserved rulemaking, R96-7 (see item (o) immediately below), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 611.

Section 17.5 of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JOAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the

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Illinois Register, and it will accept public comment on the proposal for 45 days after the date of publication.

- o) Part(s) (Heading(s) and Code Citation(s)):

Primary Drinking Water Standards (35 Ill. Adm. Code 611)

- 1) Rulemaking: Presently reserved docket number R96-7

A) Description:

Section 17.5 of the Environmental Protection Act (Act) [415 ILCS 5/17.5 (1994)] mandates that the Board update the Illinois SDWA to reflect the U.S. EPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R96-7 to accommodate any amendments to the 40 CFR 141, 142, and 143 SDWA primary drinking water regulations that U.S. EPA may make in the period July 1 through December 31, 1995. At this time, the Board is unaware of any such amendments during this period to date. The Board will verify any federal actions in coming weeks. If that verification indicates that none have occurred, the Board will dismiss the docket. If amendments are then indicated, the Board will propose corresponding amendments to the SDWA regulations using the identical-in-substance procedure.

- B) Statutory Authority:

Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

- C) Scheduled meeting/hearing dates:

None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by February, 1996, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section

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17.5 of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comment on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not-for-profit corporations:

This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities are a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R96-7, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R96-7, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6924
Internet: mmccambr@pcb016rl.state.il.us

G) Related Rulemakings and other pertinent information:

Reserved rulemaking, R95-17 (see item (n) immediately above), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 611.

Section 17.5 of the Act provides that Title VII of the Act and

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Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comment on the proposal for 45 days after the date of publication.

P) Part(s)/Heading(s)and Code Citation(s):

Groundwater Standards (35 Ill. Adm. Code 620)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)

1) Rulemaking: Docket number R94-30

A) Description:

In docket R94-30, The proposal is a site-specific rulemaking which would be applicable to Commonwealth Edison's Joliet/Lincoln Quarry Site located at Patterson and Brandon Roads in unincorporated Will County. Commonwealth Edison uses the site to dispose of bottom ash and slag from two of its coal-fired generating stations. Commonwealth Edison (ComEd) seeks a site-specific rule applicable to this site which would modify the application of the following regulations to the site: the leachate management standards of 35 Ill. Adm. Code 814.302(b)(1); the groundwater monitoring requirements for organic constituents of 35 Ill. Adm. Code 811.319(a)(2) and (a)(3); the monitoring well location standards of 35 Ill. Adm. Code 811.318(b); the groundwater quality standards of 35 Ill. Adm. Code 811.320(c) for establishing the zone of attenuation; the groundwater quality standards of 35 Ill. Adm. Code 620.440(b); and the final cover requirements of 35 Ill. Adm. Code 811.314.

B) Statutory Authority:

Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates:

No hearings have yet been scheduled in this matter. The proponent is currently negotiating with the Illinois Environmental Protection Agency, and may file an amended petition in this matter, or alternatively, withdraw its rulemaking petition and file an adjusted standard petition.

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If the petitioner files an amended rulemaking petition, the Board anticipates scheduling at least one public hearing in the first quarter of 1996. Interested persons may contact the hearing officer listed in item F, to be added to the notice list for R94-30, which will insure notice of any hearings scheduled in this matter, and receipt of any proposal which the Board adopts for first notice publication. In addition, written comments may be directed to the Clerk of the Board at James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago IL 60601. Please specify docket R94-30.

D) Date agency anticipates First Notice:

Summer 1996, if the Board chooses to proceed to First Notice. The Board will cause a First Notice Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comment on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not-for-profit corporations:

The Board anticipates that small businesses, small municipalities, and not-for-profit corporations will not be affected by this rule.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R94-30, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R94-30, as follows:

Kevin G. Desharnais
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6926
Internet: kdesharn@pcb016rl.state.il.us

G) Related rulemakings and other pertinent information:

POLLUTION CONTROL BOARD

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Other rulemakings, R94-34 (see item (t) below), R96-9 (see item (x) below), and R96-3 (see item (z) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 811 and 814.

q) Part(s) (Heading(s) and Code Citation(s)):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R96-8A) Description:

Section 13(c) of the Environmental Protection Act (Act) [415 ILCS 5/13(c) (1994)] mandates that the Board update the Illinois underground injection control (UIC) to reflect amendments to the U.S. EPA UIC rules.

The Board has reserved docket number R96-8 to accommodate any amendments to the 40 CFR 146 and 148 that U.S. EPA may make in the period July 1 through December 31, 1995. At this time, the Board is unaware of any such amendments during this period to date. The Board will verify any federal actions in coming weeks. If that verification indicates that none have occurred, the Board will dismiss the docket. If amendments are then indicated, the Board will propose corresponding amendments to the UIC regulations using the identical-in-substance procedure.

B) Statutory Authority:

Sections 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/13(c) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

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The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by February, 1996, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section 13(c) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comment on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not-for-profit corporations:

This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the underground injection of hazardous waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R96-8, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R96-8, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6924
Internet: mmccambr@pcb016rl.state.il.us

G) Related Rulemakings and other pertinent information:

Other rulemakings, R95-17 (see item (r) immediately below) and R96-10 (see item (s) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 702 and 705.

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Section 13(c) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comment on the proposal for 45 days after the date of publication.

r) Part(s) (Heading(s) and Code Citation(s)):

RCRA and UTC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R95-20

A) Description:

Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a) (1992)] mandates that the Board update the Illinois RCRA Subtitle C regulations to reflect the U.S. EPA amendments that occurred at this time.

The Board has reserved docket number R95-20 to accommodate any amendments to the 40 CFR 260 through 272 that U.S. EPA may make in the period January 1 through June 30, 1995. The Board has determined that several federal actions occurred during the time-period:

January 3, 1995, at 60 Fed. Reg. 242, U.S. EPA corrected the Phase II land disposal restrictions (LDRs).

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January 13, 1995, at 60 Fed. Reg. 3089, U.S. EPA updated the reference for testing methods for demonstrating compliance with the hazardous waste rules.

February 3, 1995, at 60 Fed. Reg. 6666, U.S. EPA responded to the Supreme Court's decision in City of Chicago v. Environmental Defense Fund, Inc., --U.S. --, 114 S. Ct. 1588 (1994) by interpreting its regulations in a way that may have a substantive impact.

February 7, 1995, at 60 Fed. Reg. 7366, U.S. EPA announced its determination that some additional regulation is necessary for cement kiln dust.

February 9, 1995, at 60 Fed. Reg. 7824, U.S. EPA added six wastes generated in carbamate production to those that are regulated as listed hazardous wastes.

April 4, 1995, at 60 Fed. Reg. 17001, U.S. EPA updated the pH (acidity) measurement methods for use in identifying whether a solid waste material is a hazardous waste.

April 4, 1995, at 60 Fed. Reg. 17160, U.S. EPA updated its Clean Water Act analytical methods by amendment of 40 CFR 136, which is incorporated by reference at 35 Ill. Adm. Code 720.111.

April 17, 1995, at 60 Fed. Reg. 19165, U.S. EPA corrected minor errors in the February 9, 1995 carbamate production waste amendments.

May 11, 1995, at 60 Fed. Reg. 25492, U.S. EPA adopted the universal waste rules for streamlined management of certain high-volume hazardous wastes.

May 12, 1995, at 60 Fed. Reg. 25619, U.S. EPA corrected minor errors in the April 17, 1995 corrections to the carbamate production waste amendments.

May 19, 1995, at 60 Fed. Reg. 26828, U.S. EPA delayed the effective date of the December 6, 1995 Subpart CC air emissions requirements for tanks, containers, and surface impoundments used to manage hazardous waste.

June 13, 1995, at 60 Fed. Reg. 31114, U.S. EPA delisted hazardous waste generated by a Pennsylvania entity in Illinois. That entity has requested that the Board adopt the delisting in this docket.

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June 29, 1995, at 60 Fed. Reg. 33912, U.S. EPA amended its hazardous waste regulations to remove obsolete, outdated, and redundant provisions.

The Board is unaware of any other amendments to the federal RCRA Subtitle C rules during this period to date. The Board presently intends to propose corresponding amendments to the RCRA Subtitle C regulations using the identical-in-substance procedure at some time in January, 1996. However, the amendments of January 3 and May 19, 1995 will not be parts of the R95-20 RCRA Subtitle C update; on June 1, 1995, the Board adopted amendments in consolidated docket R95-4/R95-6 based on those federal actions because they were closely related to the other amendments involved in that docket.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which U.S. EPA adopted its action upon which our amendments are based. In docket R95-20, the earliest federal amendments in the applicable period upon which the Board has not yet taken action occurred on January 13, 1995. That means that the nominal due date for the R95-20 amendments was January 13, 1996. However, the Board issued a "reason for delay" order on October 19, 1995 that had the effect of extending that due date pursuant to Section 7.2(b) of the Act until the end of February, 1996.

B) Statutory Authority:

Sections 22.4(a) and 27 of the Environmental Protection Act [415 ILCS 5/22.4(a) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by August, 1995, after which time the Board would cause a Notice of Proposed Amendments to appear in the Illinois Register if any federal amendments have occurred. Section 22.4(a) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of

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those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comment on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not-for-profit corporations:

This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R95-20, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R95-20, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6924
Internet: mmccambr@pcb016r1.state.il.us

G) Related Rulemakings and other pertinent information:

Other reserved rulemakings, R96-8 (see item (q) immediately above) and R96-10 (see item (s) immediately below); docket R94-34 (see item (t) below); and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 702, 705, 720 through 726, 728, and 739.

Section 22.4(a) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking

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is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comment on the proposal for 45 days after the date of publication.

s) Part(s) (Heading(s) and Code Citation(s)):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Presently reserved docket number R96-10

A) Description:

Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a) (1994)] mandates that the Board update the Illinois RCRA Subtitle C regulations to reflect the U.S. EPA amendments that occurred at this time.

The Board has reserved docket number R96-10 to accommodate any amendments to 40 CFR 260 through 272 that U.S. EPA may make in the period July 1 through December 31, 1995. The Board is presently aware of several federal actions during the time-period:

July 3, 1995, at 60 Fed. Reg. 242, U.S. EPA corrected the Phase II land disposal restrictions (LDRs).

January 13, 1995, at 60 Fed. Reg. 3089, U.S. EPA updated the reference for testing methods for demonstrating compliance with the hazardous waste rules.

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February 9, 1995, at 60 Fed. Reg. 7824, U.S. EPA added six wastes generated in carbamate production to those that are regulated as listed hazardous wastes.

April 4, 1995, at 60 Fed. Reg. 17001, U.S. EPA updated the pH (acidity) measurement methods for use in identifying whether a solid waste material is a hazardous waste.

April 17, 1995, at 60 Fed. Reg. 19165, U.S. EPA corrected minor errors in the February 9, 1995 carbamate production waste amendments.

May 11, 1995, at 60 Fed. Reg. 25492, U.S. EPA adopted the universal waste rules for streamlined management of certain high-volume hazardous wastes.

May 12, 1995, at 60 Fed. Reg. 25619, U.S. EPA corrected minor errors in the April 17, 1995 corrections to the carbamate production waste amendments.

May 19, 1995, at 60 Fed. Reg. 26828, U.S. EPA delayed the effective date of the December 6, 1995 Subpart CC air emissions requirements for tanks, containers, and surface impoundments used to manage hazardous waste.

At this time, the Board is unaware of any other amendments to the federal RCRA Subtitle C rules during this period to date. The Board will verify any additional federal actions in coming weeks. When our knowledge of federal activities during the time period is complete, the Board will propose corresponding amendments to the RCRA Subtitle C regulations using the identical-in-substance procedure. However, the amendments of January 3 and May 19, 1995 will not be part of the R96-10 RCRA Subtitle C update; on June 1, 1995, the Board adopted amendments in consolidated docket R95-4/R95-6 based on those federal actions because they were closely related to the other amendments involved in that docket.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which U.S. EPA adopted its action upon which our amendments are based. In docket R96-10, the earliest federal amendments in the applicable period upon which the Board has not yet taken action occurred on January 13, 1995. That means that the due date for the R96-10 amendments is presently January 13, 1996.

B) Statutory Authority:

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Sections 22.4(a) and 27 of the Environmental Protection Act [415 ILCS 5/22.4(a) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by February, 1996, after which time the Board would cause a Notice of Proposed Amendments to appear in the Illinois Register if any federal amendments have occurred. Section 22.4(a) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comment on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not-for-profit corporations:

This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R96-10, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R96-10, as follows:

POLLUTION CONTROL BOARD

JANUARY 1996 REGULATORY AGENDA

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6924
Internet: mcccamb@pcb016rl.state.il.us

G) Related Rulemakings and other pertinent information:

Other reserved rulemakings, R95-17 (see item (q) above) and R95-20 (see item (r) immediately above); docket R94-34 (see item (t) immediately below); and other, as yet unknown, ungeneral Board proceedings could potentially impact the general provisions of Parts 702, 705, 720 through 726, 728, and 739.

Section 22.4(a) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comment on the proposal for 45 days after the date of publication.

t) Part(s) (Heading(s) and Code Citation(s)):

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Requirements for New Steel and Foundry Industry Wastes Landfills (35 Ill. Adm. Code 817)

1) Rulemaking: Docket number R94-34A) Description:

The Illinois Pollution Control Board was requested by the Illinois Environmental Protection Agency to conduct an inquiry hearing on the regulatory requirements for landfills located in Illinois' floodplains. The Agency and other interested persons offered testimony on these questions: 1) Whether landfills should be located or prohibited from location within the floodplain; 2) Should the entire floodplain be regulated or just the floodway; 3) Should just the 100-year floodplain

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be regulated or also the 500-year floodplain; and 4) If the Board decides that facilities should be regulated or prohibited from location within the floodplain, then should the new regulation affect currently permitted facilities or just new facilities and expansions?

B) Statutory Authority:

Sections 5 and 27 of the Environmental Protection Act. [415 ILCS 5/5 and 27.]

C) Scheduled meeting/hearing dates:

A hearing was held June 28, 1995. A public comment period will be open until September 1, 1995. No additional hearings are presently scheduled.

D) Date agency anticipates First Notice:

After review of the hearing transcript and public comments, the Board will determine whether future hearings will be needed or whether a rulemaking docket should be opened. No determination has been made at this time as to whether a First Notice proposal will be adopted.

E) Affect on small business, small municipalities or not-for-profit corporations:

Any which operate landfills in floodplains or floodways may be affected if current rules are changed in any way.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R94-34, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R94-34, as follows:

Musette H. Vogel, Attorney
Pollution Control Board
600 South Second Street, Suite 402
Springfield, IL 62704

POLLUTION CONTROL BOARD

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(217) 524-3509

Internet: mvogel@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information:

Other reserved rulemakings, R95-17 (see item (q) above), R95-20 (see item (r) above), and R96-10 (see item (s) immediately above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 724 and 725.

u) Part(s) (Heading(s) and Code Citation(s)):

Underground Storage Tanks (35 Ill. Adm. Code 731)

1) Rulemaking: Presently reserved docket number R96-11A) Description:

Section 22.4(d) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(d) (1994)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the U.S. EPA UST regulations, but not including amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibility for USTs.

The Board has reserved docket number R96-11 to accommodate any amendments to the 40 CFR 281 that U.S. EPA may make in the period July 1 through December 31, 1995. At this time, the Board is unaware of any such amendments that would fall within the scope of our mandate during this period to date. The Board will verify any federal actions in coming weeks. If that verification indicates that none have occurred, the Board will dismiss the docket. If amendments are then indicated, the Board will propose corresponding amendments to the UST regulations using the identical-in-substance procedure.

B) Statutory Authority:

Sections 22.4(d) and 27 of the Environmental Protection Act [415 ILCS 5/22.4(d) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open

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meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by February, 1996, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section 22.4(d) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comment on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not-for-profit corporations:

This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the operation or ownership of USTs, but not including amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibility for USTs.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R96-11, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R96-11, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

POLLUTION CONTROL BOARD

JANUARY 1996 REGULATORY AGENDA

(312) 814-6924

Internet: mmccamb@pcb016rl.state.il.us

G) Related Rulemakings and other pertinent information:

Other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 732.

Section 22.4(d) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comment on the proposal for 45 days after the date of publication.

v) Part(s) (Heading(s) and Code Citation(s)):

Petroleum Underground Storage Tanks (35 Ill. Adm. Code 732)

1) Rulemaking: Docket number R94-2(B)A) Description:

On February 9, 1995, the Illinois Environmental Protection Agency filed a regulatory proposal with the Board seeking certain amendments to Part 732. On September 15, 1994, the Board adopted new Part 732 in its entirety, and at the same time created a sub-docket for the development of objective risk-based soil remediation numbers or risk-based methodologies. The Agency's February proposal addresses these issues, all of which involve leaking underground storage tanks.

B) Statutory Authority:

Sections 27 and 28, and 57-57.17 of the Environmental Protection Act (415 ILCS 5/27, 5/28 and 5/57-57.17).

C) Scheduled meeting/hearing dates:

Hearings were held in this matter on March 28 and April 25, 1995. The rulemaking has been stayed while the participants negotiate various aspects of the Agency's proposal having to do with risk-based corrective action.

D) Date agency anticipates First Notice:

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The Board has not yet determined whether to propose First Notice amendments in the *Illinois Register*. After review of the hearing transcripts and public comments, the Board will determine at the close of the stay whether further hearings are necessary or adoption of a First Notice proposal and a Notice of Proposed Amendments is appropriate in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporations:

The Pollution Control Board anticipates that small businesses, not-for-profit corporations and small municipalities that own or operate underground storage tanks may be affected by this rule.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R94-2(B), as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R94-2(B), as follows:

Musette H. Vogel, Attorney
Pollution Control Board
600 South Second Street, Suite 402
Springfield, IL 62704
(217) 524-8509

Internet: mvogel@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information:

Another prospective rulemaking (see item (w) immediately below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 732.

w) Part(s) (Heading(s) and Code Citation(s)):

Petroleum Underground Storage Tanks (35 Ill. Adm. Code 732)

1) Rulemaking: No docket presently reserved.

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A) Description:

As required by SB 721, effective January 1, 1996, the Illinois Environmental Protection Agency (Agency) must propose regulatory amendments to the Illinois Pollution Control Board (Board) before July 1, 1996 that implement the new legislation. The amendments will include criteria for when the Agency may require groundwater investigations at sites, minimum field requirements for the investigations, and the standard for when a site must be classified as High Priority. The amendments also require the following changes to the rules: the Agency will have more time to reclassify a site from Low Priority to High Priority; a site classification completion report may be rejected by operation of law; all references to approvals by operation of law must be changed to denials by operation of law in the event the Agency does not meet its deadlines; a new ASTM-RBCA based procedure will be used for deferrals of corrective action in the event of insufficient funds; the annual cap on payments needs amending; and a procedure the Agency reopens at sites receiving NFR letters will be incorporated.

B) Statutory Authority:

Sections 27 and 28 and 57 through 57.17 of the Illinois Environmental Protection Act [415 ILCS 5/27, 28 & 57-57.17].

C) Scheduled meeting/hearing dates:

None presently scheduled. Once the proposal is filed, the Board will hold public hearings.

D) Date agency anticipates First Notice:

The Agency is presently in the process of developing a regulatory proposal. Upon receipt, the Board will publish First Notice of the proposal.

E) Affect on small business, small municipalities or not-for-profit corporation:

The Board anticipates that small businesses, not-for-profit corporations and small municipalities may be affected by this rule.

F) Agency contact person for information:

Address questions concerning this regulatory agenda to

POLLUTION CONTROL BOARD

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follows:

Kathleen M. Crowley
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6929
Internet: kcrowley@pcb016r1.state.il.us

G) Related rulemakings and other pertinent information:

Another rulemaking, **R94-2(B)** (see item (v) immediately above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 732.

For information regarding the Agency's development of this proposal, please contact:

Kim Robinson
Illinois Environmental Protection Agency
Division of Legal Counsel
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-3276
(217) 782-5544

X) Part(s) (Heading(s) and Code Citation(s)):

Solid Waste (35 Ill. Adm. Code 807)
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Information to be Submitted in a Permit Application (35 Ill. Adm. Code 812)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Procedural Requirements for all Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Presently reserved docket number **R96-9**A) Description:

Section 22.40(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois RCRA Subtitle D municipal solid waste landfill to

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reflect the U.S. EPA amendments to the federal RCRA Subtitle D rules.

The Board has reserved docket number R96-9 to accommodate any amendments to the 40 CFR 258 RCRA Subtitle D regulations that U.S. EPA may make in the period July 1 through December 31, 1995. On October 6, 1995, at 60 Fed. Reg. 52337, U.S. EPA amended the federal rules to delay the general effective date of the regulations to small municipal solid waste landfills (MSWLFs) located in either dry or remote areas. The Board has not yet determined whether any amendments to the Illinois land fill regulations will be required by these federal revisions. At this time, the Board is unaware of any other amendments to the federal RCRA Subtitle D rules during this period to date. The Board will verify any federal actions in coming weeks. If that verification indicates that none have occurred, the Board will either proceed to propose amendments to the MSWLF rules or to dismiss the docket based solely on the October 6, 1995 federal action. If amendments are indicated, the Board will propose corresponding amendments to the RCRA Subtitle D regulations using the identical-in-substance procedure.

B) Statutory Authority:

Sections 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/22.40(a) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by February, 1996, after which time the Board would cause a Notice of Proposed Amendments to appear in the Register if any federal amendments have occurred. Section 22.40(a) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, would be based on the October 6, 1995 amendments, assuming amendment of the Illinois regulations is necessary. That means that the due date for the R96-9 amendments would be October 6, 1996. The Board will commence this proceeding as promptly as is possible

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consistent with other deadline matters and as resources allow, with a goal of concluding it prior to its due date. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comment on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not-for-profit corporations:

This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the land disposal of municipal solid waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R96-9, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R96-9, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6924
Internet: mmccambr@pcb016rl.state.il.us

G) Related Rulemakings and other pertinent information:

Other rulemakings, R94-30 (see item (p) above), R94-34 (see item (t) above), and R96-3 (see item (z) below); and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 811, 814, and 815.

Section 22.40(a) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in

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the *Illinois Register*, and it will accept public comment on the proposal for 45 days after the date of publication.

y) Part(s) (Heading(s) and Code Citation(s)):

Special Waste Classifications (35 Ill. Adm. Code 808)

1) Rulemaking: No docket presently reserved.A) Description:

Rules amending the regulations addressing special waste classifications, located at 35 Ill. Adm. Code 808, are currently being developed by the Illinois Environmental Protection Agency for proposal to the Board. The amendments to be proposed will provide relaxation for small businesses of requirements relating to the handling of special waste, possibly including manifesting, storage and/or transportation requirements.

B) Statutory Authority:

Sections 21, 22, 22.01, 22.9 and 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9 & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. Once the proposal is filed, the Board will hold hearings.

D) Date agency anticipates First Notice:

The Agency expects to submit a proposal to the Board in Spring, 1996. Upon receipt, Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporation:

The Board anticipates that small businesses, small not-for-profit corporations and small municipalities will be affected by this rule.

F) Agency contact person for information:

Kathleen M. Crowley
Pollution Control Board
100 W. Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

JANUARY 1996 REGULATORY AGENDA

Chicago, IL 60601
(312) 814-6969

G) Related rulemakings and other pertinent information:

There are no related rulemakings. For information regarding the Illinois Environmental Protection Agency's development of this proposal, please contact:

Judith S. Dyer
Illinois Environmental Protection Agency
Division of Legal Counsel
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

z) Part(s) (Heading(s) and Code Citation(s)):

Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)

1) Rulemaking: Docket number R96-3A) Description:

The Illinois Cast Metals Association (ICMA) has submitted a proposal to the Illinois Pollution Control Board (Board) to amend Section 814.902 of the landfill regulations, Standards for Operation and Closure, to which the Board has assigned docket number R96-3. The ICMA proposes an exemption process from the regulatory requirements that no part of the unit be located within a regulated recharge zone or within 1200 feet of a stratigraphic unit containing Class I or Class III groundwater. (See Section 817.3090(b).) The ICMA seeks to amend Section 814.902 to allow the Agency to grant the exemption upon a demonstration that the unit will not impact existing or potentially potable water supply wells located downgradient of the unit.

B) Statutory Authority:

Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates:

None presently scheduled.

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D) Date Agency anticipates First Notice:

The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not-for-profit corporations:

The Pollution Control Board anticipates that small businesses, small municipalities, and not-for-profit corporations will not be affected by this rule.

F) Contact:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Address written comments concerning the substance of the rulemaking, noting docket number R96-3, as follows:

Address questions concerning this regulatory agenda, noting docket number R96-3, as follows:

Audrey Lozuk-Lawless
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6923
Internet: alozuka@pcb016rl.state.il.us

G) Related:

Other rulemakings, R94-30 (see item (p) above) and R94-34 (see item (t) above) and reserved docket R96-9 (see item (x) above); and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 811 and 814.

aa) Part(s) (Heading(s) and Code Citation(s)):

Standards for Compost Facilities (35 Ill. Adm. Code 830)

- 1) Rulemaking: No docket presently reserved.

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A) Description:

Rules amending the regulations addressing compost facilities, located at 35 Ill. Adm. Code 830, are currently being developed by the Agency for proposal to the Board. The adopted regulations establish performance standards for landscape waste compost facilities and performance and testing for end-product compost produced by such facilities. The amendments to be proposed will provide performance standards governing facilities composting organic and mixed municipal waste.

B) Statutory Authority:

Sections 22.34, 22.35 and 27 of the Environmental Protection Act [415 ILCS 5/22.34, 22.35 & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. Once the proposal is filed, the Board will hold hearings.

D) Date agency anticipates First Notice:

The Agency expects to submit a proposal to the Board in Spring, 1996. Upon receipt, Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporations:

The Board anticipates that small businesses, not-for-profit corporations and small municipalities will not be affected by this rule.

F) Agency contact person for information:

Kathleen Crowley
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-3620
Internet: kcrowley@pcb016rl.state.il.us

G) Related Rulemakings and other pertinent information:

There are no related rulemakings. For information regarding the Illinois Environmental Protection Agency's development of

POLLUTION CONTROL BOARD

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this proposal, please contact:

Judith S. Dyer
Illinois Environmental Protection Agency
Division of Legal Counsel
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

DEPARTMENT OF STATE POLICE

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- a) Part(s) (Heading and Code Citation): Individual's Right to Access and Review Criminal History Record Information, 20 Ill. Adm. Code 1210

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures for accessing and reviewing criminal history record information maintained by the Illinois State Police.

B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2630/7

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, IL 62794-9461
(217) 782-7658

G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Drug Asset Forfeiture Procedure Act, 20 Ill. Adm. Code 1225

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures associated with asset seizure and forfeiture.

B) Statutory Authority: 20 ILCS 2605/55a, 720 ILCS 550/12, and 720 ILCS 570/505

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined

DEPARTMENT OF STATE POLICE

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at this time.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, IL 62794-9461
(217) 782-7658

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Firearm Owner's Identification Card Act, 20 Ill. Adm. Code 1230

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures associated with granting, denying and revoking the Firearm Owner's Identification Card and related activities.

B) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/11

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
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(217) 782-7658

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G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Firearm Transfer Inquiry Program, 20 Ill. Adm. Code 1235

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.

B) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/3.1

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, IL 62794-9461
(217) 782-7658

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Law Enforcement Agencies Data System (LEADS), 20 Ill. Adm. Code 1240

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the LEADS computer network.

B) Statutory Authority: 20 ILCS 2605/55a

C) Schedule of meeting/hearing date: No schedule has been established at this time.

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D) Date agency anticipates First Notice: No date has been determined at this time.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, IL 62794-9461
(217) 782-7658

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Electronic Transmission of Fingerprints, 20 Ill. Adm. Code 1265

1) Rulemaking:

A) Description: The proposed rule will describe procedures and policy relating to the electronic transmission of fingerprints to the Illinois State Police.

B) Statutory Authority: 20 ILCS 2605/55a; 20 ILCS 2630/3(B); and 2630/3.1(c)

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Affect on small businesses, small municipalities or not-for-profit corporations: The amendment will have no direct affect on small businesses, small municipalities or not-for-profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461

DEPARTMENT OF STATE POLICE

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Springfield, IL 62794-9461
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G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Sex Offender Registration Act, 20 Ill. Adm. Code 1280

1) Rulemaking:

A) Description: This rule will be amended or a new rule proposed to define policy and procedures relating to community notification of sex offender registration information.

B) Statutory Authority: 20 ILCS 2605/55a and the Child Sex Offender Community Notification Law

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, IL 62794-9461
(217) 782-7658

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Sample Collection for Genetic Marker Indexing, 20 Ill. Adm. Code 1285

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.

DEPARTMENT OF STATE POLICE

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B) Statutory Authority: 20 ILCS 2605/55 and 730 ILCS 5/5-4-3

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, IL 62794-9461
(217) 782-7658

G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 1996 REGULATORY AGENDA

a) Part (Heading and Code Citation): General Provisions, 23 Ill. Adm. Code 2700

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Federal Family Education Loan Program (FFELP), 23 Ill. Adm. Code 2720

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 1996 REGULATORY AGENDA

rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Illinois National Guard Grant Program, 23 Ill. Adm. Code 2730

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

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C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Grant Program for Dependents of Correctional Officers, 23 Ill. Adm. Code 2731

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 1996 REGULATORY AGENDA

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: Nonee) Part (Heading and Code Citation): Police Officer/Fire Officer Survivor Grant Program, 23 Ill. Adm. Code 27321) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: None

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f) Part (Heading and Code Citation): Illinois Veteran Grant (IVG) Program, 23 Ill. Adm. Code 27331) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: Noneg) Part (Heading and Code Citation): Monetary Award Program (MAP), 23 Ill. Adm. Code 27351) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

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B) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Robert C. Byrd Honors Scholarship Program, 23 Ill. Adm. Code 2755

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the

ILLINOIS STUDENT ASSISTANCE COMMISSION

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public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): State Scholar Program, 23 Ill. Adm. Code 2760

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 1996 REGULATORY AGENDA

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: None

J) Part (Heading and Code Citation): Merit Recognition Scholarship (MRS) Program, 23 Ill. Adm. Code 2761

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 1996 REGULATORY AGENDA

k) Part (Heading and Code Citation): Paul Douglas Teacher Scholarship Program, 23 Ill. Adm. Code 2762

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing and authorized by Section 521 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Sections 20(b) and (f) of the Higher Education Student Assistance Act [110 ILCS 947/20(b) and (f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Minority Teachers of Illinois (MTI) Scholarship Program, 23 Ill. Adm. Code 2763

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments,

ILLINOIS STUDENT ASSISTANCE COMMISSION

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and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-9500

G) Related rulemakings and other pertinent information: None

m) Part (Heading and Citation Code): David A. DeBolt Teacher Shortage Scholarship Program, 23 Ill. Adm. Code 2764

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/65.55] and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.55].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the

ILLINOIS STUDENT ASSISTANCE COMMISSION

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public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Illinois Special Education Teacher Tuition Waiver Program, 23 Ill. Adm. Code 2765

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act.

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 1996 REGULATORY AGENDA

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: None

o) Part (Heading and Code Citation): Student to Student (STS) Program of Matching Grants, 23 Ill. Adm. Code 2770

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 65 and authorized by Sections 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

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p) Part (Heading and Code Citation): College Savings Bond Bonus Incentive Grant (BIG) Program, 23 Ill. Adm. Code 2771

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act and by Section 75 of the Higher Education Student Assistance Act [110 ILCS 920/8 and 947/75].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.

D) Date agency anticipates First Notice: January 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citation): Limitation, Suspension and Termination Proceedings, 23 Ill. Adm. Code 2790

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this program. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

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- B) Statutory Authority: Implementing and authorized by the Higher Education Student Assistance Act (110 ILCS 947/1) and the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.).
- C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item (F) below.
- D) Date agency anticipates First Notice: January 1996
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500
- G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
JANUARY 23, 1996

NOTICES: Due to Register submittal deadlines, the Agenda below is incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Agriculture

Bees and Apiary Act (8 Ill Adm Code 60)
-First Notice Published: 19 Ill Reg 754 - 1/27/95
-Expiration of Second Notice Period: 2/15/96

Alcoholism and Substance Abuse

Schedule of Controlled Substances (77 Ill Adm Code 2070)
-First Notice Published: 19 Ill Reg 12328 - 9/1/95
-Expiration of Second Notice Period: 1/25/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Triplicate Prescription Control Program (77 Ill Adm Code 2080)
 -First Notice Published: 19 Ill Reg 12355 - 9/1/95
 -Expiration of Second Notice Period: 1/25/96

Central Management Services

Merit and Fitness (80 Ill Adm Code 302)
 -First Notice Published: 19 Ill Reg 14504 - 10/20/95
 -Expiration of Second Notice Period: 1/26/96

Commerce Commission

Standards of Service Applicable to 9-1-1 Emergency Systems (83 Ill Adm Code 725)
 -First Notice Published: 19 Ill Reg 13632 - 10/6/95
 -Expiration of Second Notice Period: 2/9/96

Repeal of Standards of Service Applicable to 9-1-1 Emergency Systems (General Order 207) (83 Ill Adm Code 725)
 -First Notice Published: 19 Ill Reg 13663 - 10/6/95
 -Expiration of Second Notice Period: 2/9/96

Education

Repeal of Efficient and Adequate Standards for the Building Specifications for the Construction of Schools (23 Ill Adm Code 175)
 -First Notice Published: 19 Ill Reg 14162 - 10/13/95
 -Expiration of Second Notice Period: 2/9/96

Repeal of Building Specifications for Health and Safety in Public Schools (23 Ill Adm Code 185)
 -First Notice Published: 19 Ill Reg 13966 - 10/13/95
 -Expiration of Second Notice Period: 2/9/96

School Technology Program (23 Ill Adm Code 575)

-First Notice Published: 19 Ill Reg 13701 - 10/6/95
 -Expiration of Second Notice Period: 2/9/96

Industrial Commission

Pre-Arbitration (50 Ill Adm Code 7020)
 -First Notice Published: 19 Ill Reg 12577 - 9/8/95
 -Expiration of Second Notice Period: 2/10/96

Arbitration (50 Ill Adm Code 7030)
 -First Notice Published: 19 Ill Reg 7764 - 6/16/95
 -Expiration of Second Notice Period: 2/10/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Arbitration (50 Ill Adm Code 7030)
 -First Notice Published: 19 Ill Reg 12569 - 9/8/95
 -Expiration of Second Notice Period: 2/10/96

Insurance Regulations (50 Ill Adm Code 7100)
 -First Notice Published: 19 Ill Reg 7770 - 6/16/95
 -Expiration of Second Notice Period: 2/10/96

Mental Health and Developmental Disabilities

Medicaid Home and Community-Based Services for Developmentally Disabled Recipients (59 Ill Adm Code 120)
 -First Notice Published: 19 Ill Reg 6227 - 5/5/95
 -Expiration of Second Notice Period: 1/23/96

Pollution Control Board

Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill Adm Code 219)
 -First Notice Published: 19 Ill Reg 14267 - 10/13/95
 -Expiration of Second Notice Period: 1/25/96

Water Use Designations and Site Specific Water Quality Standards (35 Ill Adm Code 303) (Docket R95-14)

-First Notice Published: 19 Ill Reg 12589 - 9/8/95
 -Expiration of Second Notice Period: 1/25/96

Effluent Standards (35 Ill Adm Code 304) (Docket R95-14)
 -First Notice Published: 19 Ill Reg 12583 - 9/8/95
 -Expiration of Second Notice Period: 1/25/96

Professional Regulation

Illinois Athletic Trainers Practice Act (68 Ill Adm Code 1160)
 -First Notice Published: 19 Ill Reg 15161 - 11/3/95
 -Expiration of Second Notice Period: 2/3/96

Environmental Health Practitioner Licensing Act (68 Ill Adm Code 1247)
 -First Notice Published: 19 Ill Reg 12593 - 9/8/95
 -Expiration of Second Notice Period: 2/1/96

Public Aid

Aid to Families with Dependent Children (89 Ill Adm Code 112)
 -First Notice Published: 19 Ill Reg 14292 - 10/13/95
 -Expiration of Second Notice Period: 2/15/96

Secretary of State

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Issuance of Licenses (92 Ill Adm Code 1030)

- First Notice Published: 19 Ill Reg 14395 - 10/13/95
- Expiration of Second Notice Period: 1/25/96

Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)

- First Notice Published: 19 Ill Reg 14358 - 10/13/95
- Expiration of Second Notice Period: 1/25/96

Commercial Driver Training Schools (92 Ill Adm Code 1060)

- First Notice Published: 19 Ill Reg 14365 - 10/13/95
- Expiration of Second Notice Period: 1/25/96

The Illinois Library System Act (23 Ill Adm Code 3030)

- First Notice Published: 19 Ill Reg 14412 - 10/13/95
- Expiration of Second Notice Period: 2/17/96

Teachers' Retirement SystemThe Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)

- First Notice Published: 19 Ill Reg 13840 - 10/6/95
- Expiration of Second Notice Period: 1/25/96

EMERGENCY RULEMAKINGSAgricultureMeat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)

- Notice Published: 19 Ill Reg 16866 - 12/22/95

Children and Family ServicesServices Delivered by the Department (89 Ill Adm Code 302) (Emergency)

- Notice Published: 19 Ill Reg 16735 - 12/15/95

Transfer of Violent Offenders to the Department of Corrections (89 Ill Adm Code 312) (Emergency)

- Notice Published: 20 Ill Reg 924 - 1/12/96

Relative Home Placement (89 Ill Adm Code 335) (Emergency)

- Notice Published: 20 Ill Reg 920 - 1/12/96

CorrectionsSecure Residential Youth Care Facilities (20 Ill Adm Code 801) (Emergency)

- Notice Published: 19 Ill Reg 16856 - 12/22/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Human Rights CommissionProcedural Rules (56 Ill Adm Code 5300) (Emergency)

- Notice Published: 20 Ill Reg 410 - 1/5/96

Human RightsProcedural (56 Ill Adm Code 2520) (Emergency)

- Notice Published: 20 Ill Reg 445 - 1/5/96

Public AidAid to Families with Dependent Children (89 Ill Adm Code 112) (Emergency)

- Notice Published: 19 Ill Reg 16295 - 12/8/95

Demonstration Programs (89 Ill Adm Code 170) (Emergency)

- Notice Published: 19 Ill Reg 16314 - 12/8/95

Public HealthIllinois Home Health Agency Code (77 Ill Adm Code 245) (Emergency)

- Notice Published: 29 Ill Reg 488 - 1/5/96

Hospital Licensing Requirements (77 Ill Adm Code 250) (Emergency)

- Notice Published: 20 Ill Reg 474 - 1/5/96

Hospice Programs (77 Ill Adm Code 280) (Emergency)

- Notice Published: 20 Ill Reg 467 - 1/5/96

Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300) (Emergency)

- Notice Published: 20 Ill Reg 567 - 1/5/96

Sheltered Care Facilities Code (77 Ill Adm Code 330) (Emergency)

- Notice Published: 20 Ill Reg 552 - 1/5/96

Illinois Veterans' Homes Code (77 Ill Adm Code 430) (Emergency)

- Notice Published: 20 Ill Reg 496 - 1/5/96

Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350) (Emergency)

- Notice Published: 20 Ill Reg 512 - 1/5/96

Community Living Facilities Code (77 Ill Adm Code 370) (Emergency)

- Notice Published: 20 Ill Reg 456 - 1/5/96

Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)

- Notice Published: 20 Ill Reg 535 - 1/15/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Long-Term Care Assistants and Aides Training Programs Code (77 Ill Adm Code 395) (Emergency)
 -Notice Published: 20 Ill Reg 529 - 1/5/96

Secretary of State

Regulations Under the Business Opportunity Sales Law of 1995 (14 Ill Adm Code 135) (Emergency)
 -Notice Published: 20 Ill Reg 584 - 1/5/96

Regulations Under the Illinois Business Brokers Act of 1995 (14 Ill Adm Code 140) (Emergency)
 -Notice Published: 20 Ill Reg 603 - 1/5/96

Regulations Under the Illinois Loan Brokers Act of 1995 (14 Ill Adm Code 145) (Emergency)
 -Notice Published: 20 Ill Reg 629 - 1/5/96

State Police

Sex Offender Registration Act (20 Ill Adm Code 1280) (Emergency)
 -Notice Published: 20 Ill Reg 640 - 1/5/96

EXPEDITED CORRECTION

Newborn Metabolic Screening and Treatment Code (77 Ill Adm Code 661)

AGENCY RESPONSESCommerce and Community Affairs

State Administration of the Federal Community Services Block Grant Program (47 Ill Adm Code 120)

-First Published: 9/22/95
 -Objection Issued: 12/12/95
 -Response: Refusal

Public Health

Local Health Protection Grant Rules (77 Ill Adm Code 615)

-First Published: 1/27/95
 -Objection Issued: 10/25/95
 -Response: Modification

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 2, 1996 through January 8, 1996 and have been scheduled for review by the Committee at its January 23, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/15/96	Department of Agriculture, Bees and Apiary Act (8 Ill Adm Code 60)	1/27/95 19 Ill Reg 754	1/23/96
2/15/96	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	10/13/95 19 Ill Reg 14292	1/23/96
2/17/96	Secretary of State, The Illinois Library System Act (23 Ill Adm Code 3030)	10/13/95 19 Ill Reg 14412	1/23/96

PROCLAMATIONS

95-587

HELEN WOJCIK DAY

Whereas, Helen Wojcik has been a lifelong member of the Polish Women's Alliance; and

Whereas, in 1987, Helen Wojcik was elected the President of the Polish Women's Alliance at the 30th National Convention; and

Whereas, she serves with distinction as Vice President of the Polish American Congress; and

Whereas, Helen Wojcik has represented the Polish community in negotiations and discussions at the highest levels of U.S. and Polish Governments; and

Whereas, she has spearheaded many charity drives, notably the medical van appeal for Poland, the Orchard Lake Seminary matching fund appeal and the Pope John Paul II Cultural Center appeal; and

Whereas, under her leadership, more than \$630,000 was raised for the new Ellis Island Immigration Museum in New York; and

Whereas, Helen Wojcik is the true embodiment, as well as a excellent example, of living up to the time honored motto of the Polish Women's Alliance: Bog, Czyn, Ojczyzna-God, Service, Country;

Therefore, I, Jim Edgar, Governor of the State Of Illinois, proclaim December 9, 1995, as Helen Wojcik Day in Illinois.

Issued by the Governor December 7, 1995.

Filed by the Secretary of State December 15, 1995.

95-588

NU CITY YOUTH CHOIR DAY

Whereas, the Nu City Youth Choir (Nu CYC) will host its annual session at Cosmopolitan Church of Holiness on December 19, 1995; and

Whereas, the Nu City Youth Choir, founded by Dennis E. Cole and Bryant Jones, Sr. in 1994, is a Chicago based organization geared to upgrading the quality of music administration of various gospel music organizations, songwriters and singers; and

Whereas, Nu CYC is helping to educate the young upcoming artists by preserving gospel music as an art form and serving as a consulting organization for the general public; and

Whereas, the leadership of Nu CYC believes and instills in our youth that they must be "Committed to Excellence" in all that they do starting with their education; and

Whereas, "Nu CYC" will boost morale and praise our youth consciousness to "Lookup and Live;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 9, 1995, as Nu City Youth Choir Day in Illinois in honor of their continuing effort to educate and instill in our youth the preservation of gospel music as an art form.

Issued by the Governor December 7, 1995.

Filed by the Secretary of State December 15, 1995.

95-589

PHIL LONGCOR COMMEMDED

Whereas, acts of good citizenship deserve merit and recognition; and
Whereas, Phil Longcor has demonstrated exemplary judgment and fairness with his commitment to strong principles of character; and

Whereas, his actions should stand as a model of behavior for his peers; and

Whereas, it is just and proper to honor Phil Longcor for serving as a role model for his community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend Phil Longcor for his dedication to honesty, and thank him on behalf of the citizens of Illinois.

Issued by the Governor December 7, 1995.

Filed by the Secretary of State December 15, 1995.

95-590

TOYS FOR TOTS DAY

Whereas, since 1947, the US Marine Corps has proudly served local communities during the Christmas holiday season by collecting and distributing toys to needy and disadvantaged children; and

Whereas, over the years, the Marines in the Chicagoland area have provided millions of toys to thousands of children; and

Whereas, last year, they touched the lives of some 84,000 children in this area while taking in more than 200,000 requests; and

Whereas, donors, volunteer workers and sponsors, which include a broad array of citizens, corporations, small businesses and local officials of public and private groups of this state, donate time, toys and funding to help make Christmas a joyful occasion for children in need; and

Whereas, this year, the US Marine Corps Reserve is trying a new and exciting project to generate a larger toy distribution; and

Whereas, this will consist of dedicating a day to hold the first World's Largest Toys for Tots Party which will allow families a day of fun and entertainment;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 17, 1995, as Toys For Tots Day in Illinois.

Issued by the Governor December 13, 1995.

Filed by the Secretary of State December 15, 1995.

Rules acted upon during the quarter of January 1 through March 31, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-7017.

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